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1972 ANNOTATED

Issued December 2020

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Titles 37 (Chapters 37 to end) to 39

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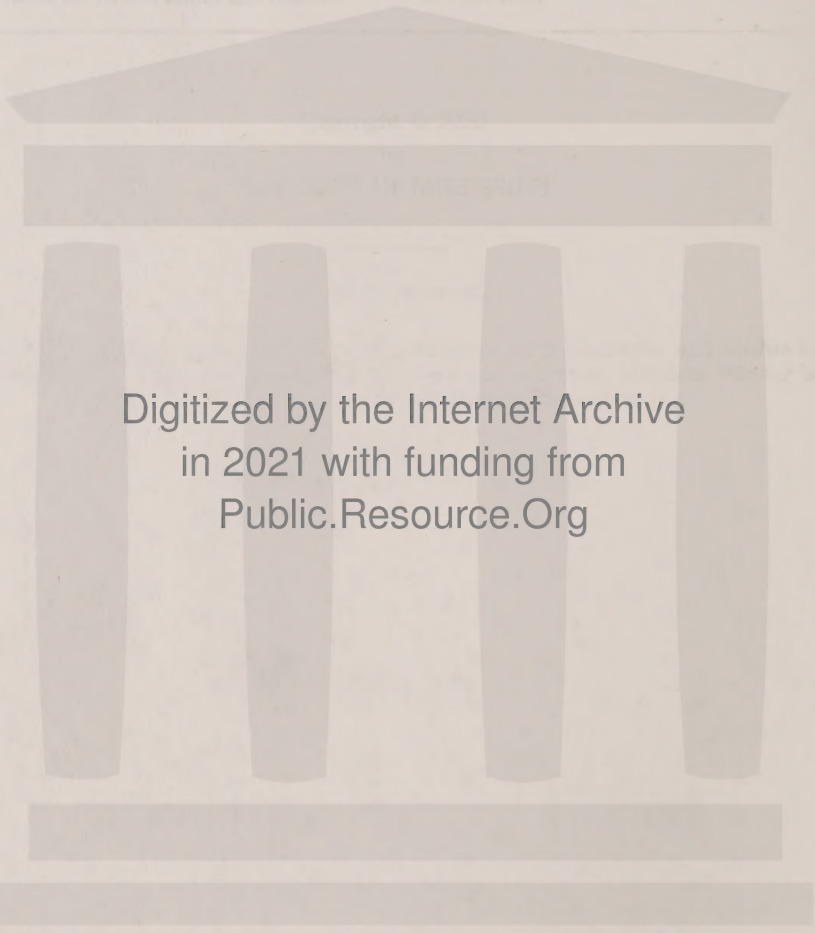
User's Guide

In order to assist both the legal profession and the layman in obtaining the maximum benefit from the Mississippi Code of 1972 Annotated, a User's Guide has been included in the main volume. This guide contains comments and information on the many features found within the Code intended to increase the usefulness of the Code to the user.



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PUBLISHER'S FOREWORD

Statutes

The 2020 Supplement to the Mississippi Code of 1972 Annotated reflects the statute law of Mississippi as amended by the Mississippi Legislature through the end of the 2020 Regular Legislative Session.

Annotations

Case annotations are included based on decisions of the State and federal courts in cases arising in Mississippi. Annotations to collateral research references are also included.

To better serve our customers by making our annotations more current, LexisNexis has changed the sources that are read to create annotations for this publication. Rather than waiting for cases to appear in printed reporters, we now read court decisions as they are released by the courts. A consequence of this more current reading of cases, as they are posted online on LexisNexis, is that the most recent cases annotated may not yet have print reporter citations. These will be provided, as they become available, through later publications.

This publication contains annotations taken from decisions of the Mississippi Supreme Court and the Court of Appeals and decisions of the appropriate federal courts. These cases will be printed in the following reporters:

Southern Reporter, 3rd Series
United States Supreme Court Reports
Supreme Court Reporter
United States Supreme Court Reports, Lawyers' Edition, 2nd Series
Federal Reporter, 3rd Series
Federal Supplement, 3rd Series
Federal Rules Decisions
Bankruptcy Reporter

Additionally, annotations have been taken from the following sources:

American Law Reports, 6th Series
American Law Reports, Federal 2nd
Mississippi College Law Review
Mississippi Law Journal

Finally, published opinions of the Attorney General and opinions of the Ethics Commission have been examined for annotations.

Amendment Notes

Amendment notes detail how the new legislation affects existing sections.

Editor's Notes

Editor's notes summarize subject matter and legislative history of repealed sections, provide information as to portions of legislative acts that have not been codified, or explain other pertinent information.

Joint Legislative Committee Notes

Joint Legislative Committee notes explain codification decisions and corrections of Code errors made by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation.

Tables

The Statutory Tables volume adds tables showing disposition of legislative acts through the 2020 Regular Session.

Index

The comprehensive Index to the Mississippi Code of 1972 Annotated is replaced annually, and we welcome customer suggestions. The foreword to the Index explains our indexing principles, suggests guidelines for successful index research, and provides methods for contacting indexers.

Acknowledgements

The publisher wishes to acknowledge the cooperation and assistance rendered by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation, as well as the offices of the Attorney General and Secretary of State, in the preparation of this supplement.

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December 2020 LexisNexis

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EDUCATION

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CHAPTER 39.
PUBLIC SCHOOLS; PURCHASES

Sec.
37-39-1. Definitions.

§ 37-39-1. Definitions.

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

(a) "Perishables" shall mean items which have a variable market price on which vendors are unable to submit a long-range price such as fruits and vegetables;

(b) "Purchasing agent" shall mean the superintendent, or other individual or individuals designated by the school board or by the school boards acting jointly as its agent or agents to negotiate and make private contract or to purchase;

(c) "School boards" shall mean the local governing boards of all school districts in the state, whether they act jointly or separately. The term also means the State Board of Education when acting in its role as prescribed in Section 43-5-1 et seq.;

(d) "Services" shall mean maintenance, operational and scholastic services utilized within and for the school district or school districts.

HISTORY: Codes, 1942, §§ 6231-01, 6231-02; Laws, 1964, ch. 396, §§ 1, 2; Laws, 1976, ch. 462, § 3; Laws, 1980, ch. 440, § 20; Laws, 1981, ch. 306, § 5; Laws, 1986, ch. 492, § 126; Laws, 2004, ch. 357, § 9, eff from and after July 1, 2004; Laws, 2020, ch. 369, § 4, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment, in (c), added the last sentence.

CHAPTER 41.
TRANSPORTATION OF PUPILS

In General. 37-41-1

IN GENERAL

Sec.
37-41-47. Speed of school bus; penalty.
37-41-53. Inspections and safety requirements for motor vehicles used for public school district transportation; condemnation of unsafe school district buses; penalties for operation of condemned bus.

§ 37-41-47. Speed of school bus; penalty.

It shall be unlawful for a driver of any school bus, whether a public or a contract bus, to drive said bus at a speed greater than forty-five (45) miles per hour while transporting children to and from school on regular routes; however, the maximum speed for interstate highways shall be sixty-five (65) miles per hour. However, any such driver, while operating a school bus on other authorized trips, shall not drive said school bus at a speed greater than fifty (50) miles per hour, except the maximum speed for interstate highways shall be sixty-five (65) miles per hour. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) for each such offense. In addition thereto, upon such conviction, such driver may be discharged from further employment as a school bus driver or carrier and his contract as such may be terminated.

HISTORY: Codes, 1942, § 6336-17; Laws, 1953, Ex Sess, ch. 15, § 16; Laws, 1982, ch. 354, § 17, eff from and after July 1, 1982; Laws, 2020, ch. 330, § 1, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment added "however, the maximum speed for interstate highways shall be sixty-five (65) miles per hour" and "except, the maximum speed for interstate highways shall be sixty-five (65) miles per hour."

§ 37-41-53. Inspections and safety requirements for motor vehicles used for public school district transportation; condemnation of unsafe school district buses; penalties for operation of condemned bus.

(1) Each school board, person, firm or corporation transporting public school district children on the public roads, streets and highways of the state with motor vehicles shall have the motor vehicles inspected according to regulations promulgated by the State Department of Education. Each motor vehicle shall be inspected by a competent mechanic to be safe for transporting pupils on the roads, streets and highways of the state before it is released for such purpose. If the motor vehicle is found to be unsafe for transporting pupils, then it shall be properly repaired or adjusted as necessary before being used to transport pupils. The provisions of this subsection shall not apply to vehicles owned by individuals and under private contract to the school district and used exclusively for transporting members of their immediate families.

(2) The State Department of Education may inspect, at its discretion, any school bus used for transporting school district pupils to and from the public schools or for activity purposes to determine the safety of such motor vehicle for operation on the roads, streets and highways of this state. In the event a vehicle is inspected and is found to be unsafe for transporting pupils, a report shall be filed with the appropriate school district official indicating its deficiencies with recommendations for correcting such deficiencies.

(3) If it is determined that any school district buses are in such defective condition as to constitute an emergency safety hazard, those buses may be condemned and removed from service and shall not be returned to service until adequate repairs are completed and the buses are reinspected by the State Department of Education. Any school district official who approves the operation of any school bus that has been removed from service under the conditions listed above, prior to being reinspected by the State Department of Education, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail for a period not to exceed sixty (60) days, or a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment, in the discretion of the court.

HISTORY: Codes, 1942, § 6365; Laws, 1932, ch. 258; Laws, 1982, ch. 354, § 18; Laws, 1986, ch. 492, § 146; Laws, 1992, ch. 351, § 1; Laws, 2006, ch. 417, § 13; reenacted without change, Laws, 2009, ch. 345, § 28; Laws, 2013, ch. 497, § 79; Laws, 2015, ch. 417, § 4, eff from and after July 1, 2015.

Amendment Notes — The 2015 amendment substituted "regulations promulgated by the State Department of Education" for "the laws of the state" in the first sentence; and minor stylistic changes.

CHAPTER 47.

STATE AID FOR CONSTRUCTION OF SCHOOL FACILITIES

Sec.
37-47-3. "School district" defined.

§ 37-47-3. "School district" defined.

The term "school district" as used in this chapter shall be defined as including all public school districts and public charter schools in this state and also all agricultural high schools not located on the campus of a junior college.

HISTORY: Codes, 1942, § 6247-03; Laws, 1953, Ex Sess, ch. 13, § 3; Laws, 1955, Ex Sess, ch. 48, § 1; Laws, 1964, ch. 384, §§ 1-3; Laws, 2016, ch. 420, § 8, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment inserted "and public charter schools."

CHAPTER 53.

SUMMER NORMALS [REPEALED]

Sec.
37-53-1 through 37-53-7. Repealed.

§§ 37-53-1 through 37-53-7. Repealed.

Repealed by Laws of 2016, ch. 352, § 1, effective July 1, 2016.

§ 37-53-1. [Codes, 1930, § 6742; 1942, § 6580; Laws, 1924, ch. 283; Laws, 1930, ch. 278.]

§ 37-53-3. [Codes, 1930, § 6742; 1942, § 6581; Laws, 1924, ch. 283; Laws, 1930, ch. 278.]

§ 37-53-5. [Codes, 1930, § 6742; 1942, § 6582; Laws, 1924, ch. 283; Laws, 1930, ch. 278.]

§ 37-53-7. [Codes, 1930, § 6742; 1942, § 6583; Laws, 1924, ch. 283; Laws, 1930, ch. 278.]

Editor's Notes — Former § 37-53-1 related to when and how a teachers' institute or summer school could be held each year.

Former § 37-53-3 related to payment of expenses from the institute or summer school fund.

Former § 37-53-5 related to the issuance of pay certificates if the amount of the institute or summer school fund is insufficient to defray the cost of holding the institute or summer school.

Former § 37-53-7 related to the disposition of surplus institute or summer school funds.

CHAPTER 57.

TAXATION

TAX LEVY FOR SUPPORT OF ADEQUATE EDUCATION PROGRAM

§ 37-57-1. Tax levy by counties for adequate education program.

Cross References — Payment to charter schools of pro rata ad valorem receipts and in-lieu payments per pupil for the support of local school district under this section, see § 37-28-55.

JUDICIAL DECISIONS

1. In general.

School district and a city had standing to sue a county board of supervisors to challenge its approval of tax assessments on a company's leasehold interest in property because they experienced an adverse

effect from the board's conduct, and that adverse effect was different from that experienced by the general public; both the district and the city had statutory duties associated with the taxes, and their funding was reduced by any allegedly improperly low tax assessment. Pascagoula-Gautier Sch. Dist. v. Bd. of Supervisors, 212 So. 3d 742, 2016 Miss. LEXIS 437 (Miss. 2016).

ADDITIONAL TAX LEVY TO SUPPORT SCHOOL DISTRICTS' EXPENDITURES

§ 37-57-104. Ad valorem tax effort; calculation of millage rate.

JUDICIAL DECISIONS

1. School district taxes.

School district and a city had standing to sue a county board of supervisors to challenge its approval of tax assessments on a company's leasehold interest in property because they experienced an adverse effect from the board's conduct, and that adverse effect was different from that experienced by the general public; both the district and the city had statutory duties associated with the taxes, and their funding was reduced by any allegedly improperly low tax assessment. Pascagoula-Gautier Sch. Dist. v. Bd. of Supervisors, 212 So. 3d 742, 2016 Miss. LEXIS 437 (Miss. 2016).

§ 37-57-105. Authorization and procedure for levy.

Cross References — Payment to charter schools of pro rata ad valorem receipts and in-lieu payments per pupil for the support of local school district under this section, see § 37-28-55.

CHAPTER 61.

EXPENDITURE OF SCHOOL FUNDS; BUDGETS

Sec.

37-61-8. State Board of Education to prescribe method of examination of school district ending fund balances.
37-61-33. Education Enhancement Fund; appropriations from fund; certain funds from working cash-stabilization reserve fund transferred to education enhancement fund; school district procurement cards.

§ 37-61-8. State Board of Education to prescribe method of examination of school district ending fund balances.

The State Board of Education shall adopt rules and regulations prescribing the method by which school district ending fund balances are examined for fiscal stability. Failure to comply with any of the rules and regulations established by the State Board of Education with regard to ending fund balances shall constitute a violation of the Mississippi Public School Accountability Standards.

HISTORY: Laws, 2010, ch. 486, § 1; Laws, 2012, ch. 345, § 1; Laws, 2015, ch. 363, § 1, eff from and after July 1, 2015.

Amendment Notes — The 2015 amendment rewrote the section to remove the requirement that school districts prepare and submit a plan to reduce costs under certain circumstances, and to require the State Board of Education to adopt rules and regulations prescribing the method by which school district ending fund balances are examined for fiscal stability.

§ 37-61-33. Education Enhancement Fund; appropriations from fund; certain funds from working cash-stabilization reserve fund transferred to education enhancement fund; school district procurement cards.

(1) There is created within the State Treasury a special fund to be designated the "Education Enhancement Fund" into which shall be deposited all the revenues collected pursuant to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

(2) Of the amount deposited into the Education Enhancement Fund, Sixteen Million Dollars ($16,000,000.00) shall be appropriated each fiscal year to the State Department of Education to be distributed to all school districts. Such money shall be distributed to all school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts within the state for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, teachers' homes, school barns, transportation vehicles (which shall include new and used transportation vehicles) and garages for transportation vehicles, and purchasing land therefor.

(b) Establishing and equipping school athletic fields and necessary facilities connected therewith, and purchasing land therefor.

(c) Providing necessary water, light, heating, air-conditioning and sewerage facilities for school buildings, and purchasing land therefor.

(d) As a pledge to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302 and 37-41-81, or debt issued by boards of supervisors for agricultural high schools pursuant to Section 37-27-65, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors. The annual grant to such district in any subsequent year during the term of the resolution or contract shall not be reduced below an amount equal to the district's grant amount for the year in which the contract or resolution was adopted. The intent of this provision is to allow school districts to irrevocably pledge a certain, constant stream of revenue as security for long-term obligations issued under the code sections enumerated in this paragraph or as otherwise allowed by law. It is the intent of the Legislature that the provisions of this paragraph shall be cumulative and supplemental to any existing funding programs or other authority conferred

upon school districts or school boards. Debt of a district secured by a pledge of sales tax revenue pursuant to this paragraph shall not be subject to any debt limitation contained in the foregoing enumerated code sections.

(3) The remainder of the money deposited into the Education Enhancement Fund shall be appropriated as follows:

(a) To the State Department of Education as follows:

(i) Sixteen and sixty-one one-hundredths percent (16.61%) to the cost of the adequate education program determined under Section 37-151-7; of the funds generated by the percentage set forth in this section for the support of the adequate education program, one and one hundred seventy-eight one-thousandths percent (1.178%) of the funds shall be appropriated to be used by the State Department of Education for the purchase of textbooks to be loaned under Sections 37-43-1 through 37-43-59 to approved nonpublic schools, as described in Section 37-43-1. The funds to be distributed to each nonpublic school shall be in the proportion that the average daily attendance of each nonpublic school bears to the total average daily attendance of all nonpublic schools;

(ii) Seven and ninety-seven one-hundredths percent (7.97%) to assist the funding of transportation operations and maintenance pursuant to Section 37-19-23; and

(iii) Nine and sixty-one one-hundredths percent (9.61%) for classroom supplies, instructional materials and equipment, including computers and computer software, to be distributed to all eligible teachers within the state through the use of procurement cards. Classroom supply funds shall not be expended for administrative purposes. On or before September 1 of each year, local school districts shall determine and submit to the State Department of Education the number of teachers eligible to receive an allocation for the current year. For purposes of this subparagraph, "teacher" means any employee of the school board of a school district, or the Mississippi School for the Arts, the Mississippi School for Math and Science, the Mississippi School for the Blind or the Mississippi School for the Deaf, who is required by law to obtain a teacher's license from the State Department of Education and who is assigned to an instructional area of work as defined by the department, but shall not include a federally funded teacher. It is the intent of the Legislature that all classroom teachers shall utilize these funds in a manner that addresses individual classroom needs and supports the overall goals of the school regarding supplies, instructional materials, equipment, computers or computer software under the provisions of this subparagraph, including the type, quantity and quality of such supplies, materials and equipment. Classroom supply funds allocated under this subparagraph shall supplement, not replace, other local and state funds available for the same purposes. The State Board of Education shall develop and promulgate rules and regulations for the administration of this subparagraph consistent with the above criteria, with particular emphasis on allowing the individual teachers to expend funds as they deem appropriate. Effective

with the 2013-2014 school year, the local school board shall require each school to issue procurement cards provided by the Department of Finance and Administration under the provisions of Section 31-7-9(1)(c) for the use of teachers and necessary support personnel in making instructional supply fund expenditures under this section, consistent with the regulations of the Mississippi Department of Finance and Administration pursuant to Section 31-7-9. Such procurement cards shall be issued at the beginning of the school year and shall be issued in equal amounts per teacher determined by the total number of qualifying personnel and the current state appropriation for classroom supplies with the Education Enhancement Fund. Such cards will expire on a pre-determined date at the end of each school year. All unexpended amounts will be carried forward, combined with the following year's allocation of Education Enhancement Fund instructional supplies funds and reallocated for the following year;

(b) Twenty-two and nine one-hundredths percent (22.09%) to the Board of Trustees of State Institutions of Higher Learning for the purpose of supporting institutions of higher learning; and

(c) Fourteen and forty-one one-hundredths percent (14.41%) to the Mississippi Community College Board for the purpose of providing support to community and junior colleges.

(4) The amount remaining in the Education Enhancement Fund after funds are distributed as provided in subsections (2) and (3) of this section shall be appropriated for other educational needs.

(5) None of the funds appropriated pursuant to subsection (3)(a) of this section shall be used to reduce the state's General Fund appropriation for the categories listed in an amount below the following amounts:

(a) For subsection (3)(a)(ii) of this section, Thirty-six Million Seven Hundred Thousand Dollars ($36,700,000.00);

(b) For the aggregate of minimum program allotments in the 1997 fiscal year, formerly provided for in Chapter 19, Title 37, Mississippi Code of 1972, as amended, excluding those funds for transportation as provided for in paragraph (a) of this subsection.

(6) Any funds appropriated from the Education Enhancement Fund that are unexpended at the end of a fiscal year shall lapse into the Education Enhancement Fund, except as otherwise provided in subsection (3)(a)(iii) of this section.

HISTORY: Laws, 1992, ch. 419, § 9; Laws, 1993, ch. 612, § 1; Laws, 1993, ch. 509, § 1; Laws, 1995, ch, 450, § 1; Laws, 1997, ch. 557, § 1; Laws, 1997, ch. 612, § 25; Laws, 2000, ch. 617, § 3; Laws, 2001, ch. 518, § 1; Laws, 2002, ch. 551, § 7; Laws, 2003, ch. 411, § 1; Laws, 2004, ch. 595, § 24; Laws, 2006, ch. 504, § 4; reenacted without change, Laws, 2009, ch. 345, § 29; Laws, 2012, ch. 543, § 3; Laws, 2013, ch. 566, § 4; Laws, 2014, ch. 397, § 39; Laws, 2014, ch. 442, § 7; Laws, 2015, ch. 471, § 12; Laws, 2016, ch. 339, § 1, eff from and after July 1, 2016; Laws, 2020, ch. 478, § 1, eff from and after passage (approved July 8, 2020).

Amendment Notes — The 2015 amendment added (6).

The 2016 amendment inserted "or the Mississippi School for the Arts, the Mississippi School for Math and Science, the Mississippi School for the Blind or the Mississippi School for the Deaf" in the fourth sentence of (3)(a)(iii).

The 2020 amendment, effective July 8, 2020, rewrote former (4), (4)(a) and (b), which read: "(4) The amount remaining in the Education Enhancement Fund after funds are distributed as provided in subsections (2) and (3) of this section shall be disbursed as follows: (a) Twenty-five Million Dollars ($25,000,000.00) shall be deposited into the Working Cash-Stabilization Reserve Fund created pursuant to Section 27-103-203(1), until the balance in such fund reaches the maximum balance of seven and one-half percent (7-1/2%) of the General Fund appropriations in the appropriate fiscal year. After the maximum balance in the Working Cash-Stabilization Reserve Fund is reached, such money shall remain in the Education Enhancement Fund to be appropriated in the manner provided for in paragraph (b) of this subsection. (b) The remainder shall be appropriated for other educational needs."

CHAPTER 63.

EDUCATIONAL TELEVISION

§ 37-63-1. Declaration of legislative purpose and public policy.

OPINIONS OF THE ATTORNEY GENERAL

It is clear, under Miss. Code Sections 37-63-1 et seq., that Mississippi Authority for Educational Television has responsibility for administration, operation, control and supervision of educational television and radio in Mississippi. Ray, Jan. 11, 1994, A.G. Op. #93-0854.

§ 37-63-9. Acquisition and operation of facilities.

OPINIONS OF THE ATTORNEY GENERAL

Specifically in regard to instructional television fixed services' educational television channel, Miss. Code Section 37-63-9 authorizes Mississippi Authority for Educational Television as to acquisition and operation of educational television matters. Ray, Jan. 11, 1994, A.G. Op. #93-0854.

Operation of multi-channel interactive video systems' (ITFS') educational television channels is proper governmental function as recognized by enabling statutes of respective boards and agency and Miss. Code Section 37-63-9(2); since this is true, then boards and agency operating these channels have authority to assign personnel to work with EdNet Institute of Mississippi, Inc.(EdNet) to enable EdNet to perform duties and tasks necessary to operate ITFS channels for state licensees. Ray, Jan. 11, 1994, A.G. Op. #93-0854.

§ 37-63-13. Authority's general powers as to educational television.

OPINIONS OF THE ATTORNEY GENERAL

Authority for Mississippi Authority for Educational Television's supervisory and management role in connection with multi-channel interactive video systems' educational television channels can be found in statutory grant of general powers

in Miss. Code Section 37-63-13(1,5-8).
Ray, Jan. 11, 1994, A.G.Op #93-0854.

CHAPTER 65.

CLOSING OF PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER LEARNING

Article 3. Closing Pursuant to Board of Trustees' Order. 37-65-101

ARTICLE 3.

CLOSING PURSUANT TO BOARD OF TRUSTEES' ORDER.

Sec.
37-65-123. "Qualified elector" defined.

§ 37-65-123. "Qualified elector" defined.

The words "qualified elector" or "qualified electors" for the purposes of this article, shall in addition to the provisions of the first paragraph of Section 37-65-119, mean:

A person, who on the day he or she signs any petition provided for in the section, is properly registered and qualified to vote in a county wide election of the county if such were then held, according to the voter roll as electronically maintained in the Statewide Elections Management System in the office of the circuit clerk and registrar of the county, in which all or any part of the school district is located, and who is a resident of the school district in which one or more schools have been closed, and who (a) is qualified to vote in an election of a trustee of that school district, if any be elective and (b) if the school district be a municipal separate school district or a special municipal separate school district and such person lives within the corporate limits of the municipality then such person must be qualified to vote in a city wide election if such were held on the day he or she signs any petition herein provided for.

HISTORY: Codes, 1942, § 6232-43; Laws, 1960, ch. 316, § 3; Laws, 2017, ch. 441, § 185, eff from and after July 1, 2017.

Amendment Notes — The 2017 amendment substituted "voter roll as electronically maintained in the Statewide Elections Management System" for "books and records"; and made gender neutral and minor stylistic changes.

CHAPTER 67.

DISTANCE LEARNING COLLABORATIVE ACT OF 2016

Sec.
37-67-1. Distance Learning Collaborative Act of 2016; definitions; voluntary distance learning grant program.

§ 37-67-1. Distance Learning Collaborative Act of 2016; definitions; voluntary distance learning grant program.

(1) This section shall be known and may be cited as the "Distance Learning Collaborative Act of 2016."

(2) As used in this section:

(a) "Distance learning" means a method of delivering education and instruction on an individual basis to students who are not physically present in a traditional setting such as a classroom. Distance learning provides access to learning when the source of information and the learners are separated by time and distance, or both. Distance learning courses that require a physical on-site presence for any reason other than taking examinations may be referred to as hybrid or blended courses of study.

(b) "Department" means the Mississippi Department of Education.

(c) A "distance learning collaborative" means a school or schools that write and submit an application to participate in the voluntary distance learning program. A distance learning collaborative is comprised, at a minimum, of a public school district, and may include an agency or other nonprofit organization approved by the State Department of Education to provide distance learning resources.

(d) A "lead partner" is a public school district or other nonprofit entity with the instructional expertise and operational capacity to manage the Distance Learning Collaborative Program as described in the approved application for funds. The lead partner serves as the fiscal agent for the collaborative and shall disburse awarded funds in accordance with the collaborative's approved application. The lead partner ensures that the collaborative adopts and implements the Distance Learning Collaborative Program consistent with the standards adopted by the State Board of Education. The public school district shall be the lead partner if no other qualifying lead partner is selected.

(3) Effective with the 2016-2017 school year, the Mississippi State Department of Education shall establish a voluntary distance learning grant program which shall be a collaboration among the entities providing distance learning services for students. The Distance Learning Collaborative Program shall provide financial assistance to encourage and improve distance learning education services in rural areas through the use of telecommunications, computer networks and related advanced technologies to be used by students, teachers and rural residents. Grants are for projects where the benefit is primarily delivered to end users who are not at the same location as the source of the education service.

(4) Distance Learning Collaborative Grants may be used to:

(a) Acquire the following types of equipment: (i) computer hardware and software; (ii) audio and video equipment; (iii) computer network components; (iv) terminal equipment; (v) data terminal equipment; (vi) inside wiring; (vii) interactive video equipment; and (viii) other facilities that further distance learning technology services.

(b) Acquire instructional programming for distance learning programs.

(c) Acquire technical assistance and instruction for using eligible equipment.

(d) The cost of tuition and fees for students to participate over and above the available federal Perkins Loans or Stafford Loans which are loaned directly to qualifying students to assist in covering the cost of distance learning funding.

(e) Any interest charges that accumulate during a student's degree program for the utilization of distance learning services.

(5) Subject to the availability of funds appropriated therefor, the State Department of Education shall administer the implementation, monitoring and evaluation of the voluntary Distance Learning Collaborative Program, including awards and the application process. The department shall establish a rigorous and transparent application process for the awarding of funds. Lead partners shall submit the application on behalf of their distance learning collaborative. The department will establish monitoring policies and procedures that shall include at least one (1) site visit per year. The department will provide technical assistance to collaboratives and their providers to improve the quality of distance learning services. The department will evaluate the effectiveness of each distance learning collaborative.

(6) Distance Learning Collaborative Program funds shall be awarded to distance learning collaboratives whose proposed programs meet the program criteria established by the State Board of Education which shall include the following:

(a) Distance learning programs shall be approved and registered with the State Department of Education and course content must be aligned with state standards.

(b) Distance learning instructors shall complete professional development training in online methodology and technical aspects of web-based instruction, and may be credentialed by the National Board for Professional Teaching Standards (NBPTS).

(c) Transcript equivalency of grades between online and traditional classes. Student enrollment and credits awarded shall be made in accordance with regulations jointly approved by the State Board of Education, the Mississippi Community College Board and the Board of Trustees of State Institutions of Higher Learning.

(d) Curriculum standards for online courses.

(e) Classroom "seat time" requirements for online courses.

(f) Accountability for student achievement, including methods to assess online course completion rates.

(7) A teacher, assistant teacher or other employee whose salary and fringe benefits are paid from state funds allocated for the Distance Learning Collaborative Program shall only be classified as a state or local school district employee eligible for state health insurance benefits or membership in the Public Employees' Retirement System, if the person's employer is already a public school district or an agency or instrumentality of the state, and the employee would be eligible for such benefits in the normal course of business.

(8) Funding shall be provided for the Distance Learning Collaborative Program beginning with the 2016-2017 fiscal year subject to appropriation by the Legislature, and the Legislature may appropriate funds to implement the program on a phased-in basis. The State Department of Education may receive and expend contributions and funding from private sources for the administration and implementation of the Distance Learning Collaborative Program. In the initial phase of implementation, the State Department of Education shall award state funds based on a community's capacity, commitment and need in order to encourage and improve distance learning services in rural areas. The department shall make an annual report to the Legislature and the Governor regarding the effectiveness of the Distance Learning Collaborative Program, and the PEER Committee shall review those reports and other program data and submit an independent evaluation of the program operation and effectiveness to the Legislature and the Governor on or before October 1 of the calendar year before the beginning of the next phased-in period of funding. The State Department of Education shall reserve no more than five percent (5%) of the appropriation in any year for administrative costs. Funds remaining after awards to distance learning collaboratives may be carried over in the following year.

(9) The lead partner of a distance learning collaborative and the local school district shall compile information about online learning programs for high school students to earn college credit and place the information on its website. Examples of information to be compiled and placed on the website include links to providers of approved online learning programs, comparisons among various types of online programs regarding awarding of credit, advantages and disadvantages of online learning programs, and other general assistance and guidance for students, teachers and counselors in selecting and considering online learning programs. Public high schools shall ensure that teachers and counselors have information about online learning programs for high school students to earn college or university credit and are able to assist parents and students in accessing the information. Distance learning collaboratives shall ensure that parents and students have opportunities to learn about online learning programs under this section.

HISTORY: Laws, 2016, ch. 353, § 1, eff from and after July 1, 2016.

CHAPTER 68.

EQUITY IN DISTANCE LEARNING ACT

Sec.

37-68-1. Title.
37-68-3. Legislative findings and intent.
37-68-5. Definition.
37-68-7. Equity in Distance Learning Grant Program established; administration; purpose; basis for allocations; use of funds; supplemental matching funds.
37-68-9. Responsibilities and authority of the Department of Education.

Sec.
37-68-11. Eligibility requirements.
37-68-13. Equity in Distance Learning Fund created; use of funds; unobligated or unexpended funds; audit.
37-68-15. Comprehensive report on use of funds and effectiveness of distance learning plans.

§ 37-68-1. Title.

This chapter shall be known and may be cited as the "Equity in Distance Learning Act."

HISTORY: Laws, 2020, ch. 488, § 1, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 488, § 11, provides:
"SECTION 11. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-68-3. Legislative findings and intent.

(1) The Mississippi Legislature finds the following:

(a) The State of Emergency and ongoing public health crisis related to COVID-19 requires all schools to plan and implement distance learning programs, and plan to facilitate safe classroom and remote instruction;

(b) The availability of unprecedented federal funding for distance learning has created a unique opportunity for schools to provide all students and teachers with better access to technology to enhance traditional classroom teaching; and

(c) In recognition that every school's technology needs are different, this act establishes the Equity in Distance Learning Grant Program to require the Mississippi Department of Education and schools to expend funds on eligible expenses, within the relevant statutory provisions of this act and the regulations promulgated, in order to assist schools in expeditiously implementing distance learning programs and facilitating safe classroom and remote instruction.

(2) Therefore, the intent of the Mississippi Legislature is:

(a) To provide funding for devices and other technology, including technology related to connectivity and online access, sufficient for students, teachers, and administrators and other staff to engage in grade-appropriate distance learning aligned with the state's College and Career Readiness Standards, and provide funding for safe classroom or remote instruction; and

(b) To provide funding for technical support and professional development to facilitate distance learning and safe classroom or remote instruction.

HISTORY: Laws, 2020, ch. 488, § 3, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 488, § 11, provides:

"SECTION 11. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-68-5. Definition

For purposes of this act, the following words shall have the meanings ascribed herein unless the context otherwise requires:

(a) "Grant program" means the Equity in Distance Learning Grant Program established in this act.

(b) "Department" means the Mississippi Department of Education.

(c) "School" means public school districts, agricultural high schools, the Mississippi School for the Deaf and Blind, the Mississippi School of the Arts and the Mississippi School for Mathematics and Science and public charter schools.

(d) "COVID-19" means the Coronavirus Disease 2019.

(e) "State of Emergency" means the State of Emergency declared by Executive Order of the Governor of the State of Mississippi on March 14, 2020, and any amendments thereto or subsequent orders or amendments thereto.

(f) "Express Product List" or "EPL" means the compilation of vendors and products adopted by the department for use by schools for the purchase of devices, software, online tools, and other equipment and technology necessary to support distance learning.

(g) "Learning management system" means a software application for the administration, documentation, tracking, reporting, automation and delivery of educational courses, training programs, or learning and development programs.

(h) "Eligible expenses" means a cost incurred by a school, pursuant to this act, to facilitate or enhance distance learning capabilities under its distance learning plan, including:

(i) The purchase of laptop computers, tablets, assisted learning devices or other devices which can be used personally by a student or teacher in their home or in the classroom;

(ii) The purchase of learning management systems, software and other online tools;

(iii) The purchase and installation of hardware to provide for or enhance the internet connectivity of a school's students, including the cost of establishing personal or centrally located hotspots;

(iv) The enhancement of security related to devices or connectivity to comply with state and federal law, and to protect students, teachers and administrators and other staff working within the school;

(v) The delivery of professional development related to use of devices, connectivity and other relevant components of distance learning for teachers, students and the wider community, including parents or guardians of students enrolled in the school; and

(vi) Materials or equipment necessary to increase health and safety precautions in classrooms or other school facilities.

HISTORY: Laws, 2020, ch. 488, § 4, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 488, § 11, provides:
"SECTION 11. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-68-7. Equity in Distance Learning Grant Program established; administration; purpose; basis for allocations; use of funds; supplemental matching funds.

(1) There is established the Equity in Distance Learning Grant Program which shall be administered by the department for the purpose of reimbursing schools for eligible expenses incurred in funding their distance learning plans, and in facilitating safe classroom and remote instruction.

(2) Subject to appropriations by the Legislature, allocations to schools shall be made based on average daily membership, as defined in Section 37-151-5 and as calculated in the 2019-2020 school year. For any school not funded under the Mississippi Adequate Education Program, the department shall calculate the average-daily-membership equivalent or fund the school based on enrollment.

(3) Subject to the provisions of this chapter, and other applicable federal law and regulations, schools shall have the authority to use the funds provided in this grant program in a way which best facilitates their distance learning plan, and safe classroom or remote instruction.

(4) Schools are highly encouraged to commit a portion of their federal ESSER funds, above the amount required by Section 37-68-11(b), as supplemental matching funds to offset the total cost of purchasing sufficient electronic devices, technological supports and systems of service for its distance learning plan.

HISTORY: Laws, 2020, ch. 488, § 5, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 488, § 11, provides:
"SECTION 11. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-68-9. Responsibilities and authority of the Department of Education.

(1) The department shall:

(a) Inform each school of its portion of the funds appropriated to this grant program as provided for in Section 37-68-7(2).

(b) Develop regulations and procedures to govern the administration of this grant program, to include:

(i) A reimbursement process for schools to submit expenditures and receive reimbursement for eligible expenses from the department up to the total amount allocated to each school in Section 37-68-7;

(ii) Provide guidance to schools in the development of a technology sustainability plan, addressing how devices and other technology purchased and used by the school district, and students, teachers and other administrators and staff, will be maintained throughout their usage and replaced before the expiration of the term of their expected useful life;

(iii) Provide guidance to schools in the development of a responsible use policy for students, teachers and administrators or other staff to govern the use of devices and other technology purchased under this grant program;

(c) Provide guidance to schools on the development and implementation of a distance learning plan;

(d) Solicit bid proposals from vendors to establish an EPL; and

(e) Seek an emergency exemption from the procurement laws and bidding procedures established in Section 31-7-13 to expedite the compilation of an EPL and to minimize the cost of relevant devices or other technology for school districts through bulk purchasing.

(2) The department may:

(a) Revise the adopted EPL based upon purchasing demands as needed to provide schools with choice in the selection of the electronic devices; and

(b) Use the federal ESSER funds set aside for administration of the program to administer this grant program, to the extent permissible under federal law.

HISTORY: Laws, 2020, ch. 488, § 6, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 488, § 11, provides:

"SECTION 11. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-68-11. Eligibility requirements.

To be eligible under this grant program, a school shall:

(a) Prioritize first the purchase of products listed in Section 37-68-5(h)(i). Schools shall equip every student with a grade-appropriate device, as

recommended by the department, before incurring the other expenses listed in Section 37-68-5(h)(ii) or (iii), which shall receive next priority after the products listed in Section 37-68-5(h)(i);

(b) Match twenty percent (20%) of the funds received under this grant program with monies received by the school from the Elementary and Secondary School Emergency Relief Fund or any funds made available to a school district or charter school for such purposes from any federal, state, public or private entity;

(c) Purchase products from vendors listed on the EPL, if using funds under this grant program, unless the school can demonstrate, to the department, that the products it purchases from vendors not listed on the EPL:

(i) Meet or exceed the technological specification and functionality required by the department; and

(ii) Can be purchased at a price that is less than any of the prices listed on the EPL for a comparable product;

(d) Submit the original, itemized receipt of purchase or an authentic copy of the receipt with its request for reimbursement;

(e) Secure insurance and submit proof of insurance for any items to be reimbursed under this program;

(f) Develop and submit to the department, by September 1, 2020:

(i) A distance learning plan, establishing an appropriate and achievable plan by the school to develop, implement and maintain distance learning capabilities with a focus on device procurement and connectivity to the internet for students and teachers. A school's distance learning plan shall make specific provision for its students with special needs, including the purchase of appropriate devices and equipment;

(ii) With the understanding that this grant program is being funded with one-time federal funds, a technology sustainability plan addressing how devices and other technology purchased and used by the school, and students, teachers and other administrators and staff, will be maintained throughout their usage and replaced before the expiration of the term of their expected useful life without additional state funds; and

(iii) A responsible use policy, addressing the use of devices and other technology purchased under this grant program. The policy shall include a provision requiring students, parents or guardians, teachers, administrators and other staff to agree in writing to the provisions in the policy, and may include fines for intentional loss or damage to devices. The policy shall also include a provision acknowledging that the school shall assume the control of ownership and liability for personal devices and other equipment purchased under this grant program until the personal device or other equipment:

1. No longer serves the school or related school purposes for which it was acquired and is sold by public auction under Section 17-25-25;

2. Is sold to students in Grade 12 under the provisions of Section 37-7-459; or

3. Is traded in to a vendor as part of a subsequent purchase; and

(g) Compile and maintain an inventory list of all devices purchased and issued to students, teachers and administrators and other staff, as well as any supporting technology or equipment used to support the school's distance learning plan.

HISTORY: Laws, 2020, ch. 488, § 7, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 488, § 11, provides:

"SECTION 11. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-68-13. Equity in Distance Learning Fund created; use of funds; unobligated or unexpended funds; audit.

(1) Upon the effective date of this chapter, the State Fiscal Officer shall transfer Three Hundred Thousand Dollars ($300,000.00) to the Equity in Distance Learning Fund, created in Section 8 of this act, out of the Budget Contingency Fund. The department shall spend the funds under this subsection (1) to assist with technology upgrades to the Mississippi Student Information System (MSIS) to support schools with the implementation of their individual digital learning plans to mitigate the impact of COVID-19.

(2) Upon the effective date of this chapter, the State Fiscal Officer shall transfer One Hundred Twenty-nine Million Seven Hundred Thousand Dollars ($129,700,000.00) to the Equity in Distance Learning Fund, created in Section 8 of this act, out of the Budget Contingency Fund. The department shall allocate the funds under this subsection (2) to the schools pursuant to Section 5(2) of this act.

(3) Upon the effective date of this act, the State Fiscal Officer shall transfer Twenty Million Dollars ($20,000,000.00) to the Equity in Distance Learning Fund, created in Section 8 of this act, out of the Budget Contingency Fund. The department shall allocate the funds under this subsection (3) to the schools according to the schools' needs assessment responses.

HISTORY: Laws, 2020, ch. 488, § 2, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 488, § 11, effective July 9, 2020, provides:

"SECTION 11. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

Laws of 2020, ch. 488, § 2, effective July 9, 2020, provides:

"SECTION 2. (1) Upon the effective date of this act, the State Fiscal Officer shall transfer Three Hundred Thousand Dollars ($300,000.00) to the Equity in Distance

Learning Fund, created in Section 8 of this act, out of the Budget Contingency Fund. The department shall spend the funds under this subsection (1) to assist with technology upgrades to the Mississippi Student Information System (MSIS) to support schools with the implementation of their individual digital learning plans to mitigate the impact of COVID-19.

"(2) Upon the effective date of this act, the State Fiscal Officer shall transfer One Hundred Twenty-nine Million Seven Hundred Thousand Dollars ($129,700,000.00) to the Equity in Distance Learning Fund, created in Section 8 of this act, out of the Budget Contingency Fund. The department shall allocate the funds under this subsection (2) to the schools pursuant to Section 5(2) of this act.

"(3) Upon the effective date of this act, the State Fiscal Officer shall transfer Twenty Million Dollars ($20,000,000.00) to the Equity in Distance Learning Fund, created in Section 8 of this act, out of the Budget Contingency Fund. The department shall allocate the funds under this subsection (3) to the schools according to the schools' needs assessment responses."

§ 37-68-15. Comprehensive report on use of funds and effectiveness of distance learning plans.

The department shall provide a comprehensive report on the use of funds distributed under this grant program and the effectiveness of distance learning plans adopted by schools to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Chairs of the Senate and House Appropriations and Education Committees by October 1, 2020.

HISTORY: Laws, 2020, ch. 401, § 9, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 488, § 11, provides:

"SECTION 11. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

CHAPTER 69.

THE ENERGY ACADEMY ACT

Sec.

37-69-1. Short title [Repealed effective July 1, 2022].
37-69-3. Intent [Repealed effective July 1, 2022].
37-69-5. Definitions [Repealed effective July 1, 2022].
37-69-7. Establishment of partnership for operation of Energy High School Academy; purpose of Energy High School Academy; Energy High School Academy Partnership Council; Energy High School Academy Fund created [Repealed effective July 1, 2022].

§ 37-69-1. Short title [Repealed effective July 1, 2022].

This chapter shall be known as "The Energy Academy Act."

HISTORY: Laws, 2019, ch. 482, § 1, eff from and after July 1, 2019.

Editor's Note — Laws of 2019, ch. 482, § 5, provides:
"SECTION 5. This act shall take effect and be in force from and after July 1, 2019, and shall stand repealed from and after July 1, 2022."

§ 37-69-3. Intent [Repealed effective July 1, 2022].

The intent of the Legislature is to provide an opportunity for motivated students to participate in a curriculum that will prepare them for a career of employment in the energy industry in their home state.

HISTORY: Laws, 2019, ch. 482, § 2, eff from and after July 1, 2019.

Editor's Note — Laws of 2019, ch. 482, § 5, provides:
"SECTION 5. This act shall take effect and be in force from and after July 1, 2019, and shall stand repealed from and after July 1, 2022."

§ 37-69-5. Definitions [Repealed effective July 1, 2022].

For purposes of this chapter:

(a) "The Board of Trustees" means the Board of Trustees of the Vicksburg-Warren School District.

(b) "The Board of Education" means the Claiborne County Board of Education.

(c) "Nuclear Facility" means any nuclear generating plant in the State of Mississippi.

(d) "Energy Academy" means an energy high school created under this act.

(e) "Partnership Council" means the Energy High School Academy Partnership Council.

(f) "MDA" means the Mississippi Development Authority.

HISTORY: Laws, 2019, ch. 482, § 3, eff from and after July 1, 2019.

Editor's Note — Laws of 2019, ch. 482, § 5, provides:
"SECTION 5. This act shall take effect and be in force from and after July 1, 2019, and shall stand repealed from and after July 1, 2022."

§ 37-69-7. Establishment of partnership for operation of Energy High School Academy; purpose of Energy High School Academy; Energy High School Academy Partnership Council; Energy High School Academy Fund created [Repealed effective July 1, 2022].

(1) The Board of Trustees of the Vicksburg-Warren School District and the Claiborne County Board of Education are authorized to make application to the Mississippi Development Authority for the approval of entering into a Memorandum of Understanding with a nuclear facility and Warren County and the State of Mississippi for the establishment of a partnership for the operation of an Energy High School Academy. The purpose of the Energy High

School Academy shall be to provide qualified students attending school in Warren and/or Claiborne County in the eighth through twelfth grade with career education, potential student internships and continuing education for careers in the energy industry.

(2)(a) The Energy High School Academy shall be under the administrative direction of the Energy High School Academy Partnership Council (Partnership Council) consisting of one (1) member from each of the following entities:

(i) The Chief Executive Officer of an enterprise engaged in the generation of nuclear energy located in Claiborne County, or his designee, who shall serve for four (4) years;

(ii) The superintendent of the Vicksburg-Warren School District, who shall serve for four (4) years;

(iii) The superintendent of the Claiborne County School District, who shall serve for four (4) years;

(iv) A designee of the Mississippi Development Authority, appointed by the executive director of MDA, and which may be the executive director, who shall serve three (3) years;

(v) A member of the Board of Trustees of the Vicksburg-Warren School District, appointed by the Vicksburg Mayor and Board of Alderman, who shall serve two (2) years;

(vi) A member of the Claiborne County Board of Education, appointed by the Claiborne County Board of Supervisors, who shall serve two (2) years;

(vii) A member of the Claiborne County Chamber of Commerce, appointed by the chairman of the board of directors, who may appoint himself or herself, and who shall serve one (1) year; and

(viii) A member of the Vicksburg Chamber of Commerce, appointed by the chairman of the board of directors, who may appoint himself or herself, and who shall serve one (1) year.

(b) Members of the Partnership Council shall serve staggered terms, as prescribed in paragraph (a) of this subsection, commencing with the initial appointments made in 2019, and shall thereafter, upon the expiration of the initial term, the succeeding appointees shall serve a term of four (4) years. Members of the council may be reappointed to the council by the original appointing authority without limitation on the number of terms served. In the event of a vacancy on the council, the original appointing authority shall appoint a replacement to complete the unexpired term of the member creating the vacancy.

(c) The Partnership Council shall meet on or before August 1, 2019, and organize for business, elect officers and adopt necessary regulations for the operation of the Energy High School Academy. Meetings shall be held upon the call of the chairman.

(3) The Energy High School Academy Partnership Council shall promulgate administrative rules and regulations to prescribe the criteria to be used in the establishment of the Energy High School Academy, which shall include student qualifications, application requirements and curriculum components.

(4)(a) There is established in the State Treasury a fund to be known as the "Energy High School Academy Fund." The purpose of the fund is to provide necessary financial support to Vicksburg-Warren/Claiborne County School Districts and the Mississippi Development Authority for start-up costs and costs associated with implementing and operating the Energy Academy established under this section. The fund may consist of monies obtained from grants from any public or private source. The Mississippi Development Authority shall administer the fund pursuant to appropriation by the Legislature, and may apply for any grants from the federal government or private sources.

(b) The Mississippi Development Authority shall prepare a three-year budget proposal for the operation of the Energy Academy which shall include staff and liaison salary estimates, equipment and facility costs and job demand estimates. This budget shall be submitted to the Governor, the Legislative Budget Office and the Partnership Council and updated annually.

HISTORY: Laws, 2019, ch. 482, § 4, eff from and after July 1, 2019.

Editor's Note — Laws of 2019, ch. 482, § 5, provides:
"SECTION 5. This act shall take effect and be in force from and after July 1, 2019, and shall stand repealed from and after July 1, 2022."

CHAPTER 71

MISSISSIPPI LEARN TO EARN ACT

Sec.

37-71-1. Short title.
37-71-3. Definitions.
37-71-5. Department and certain entities required to identify high-school-to-work apprenticeships or other student internship programs that may be eligible for exemptions from federal and state labor laws and regulations; and to establish procedures for obtaining exemptions.
37-71-7. Extended Learning Opportunities policy; course credit for alternative education opportunities provided through apprenticeships, internships or pre-apprenticeships for students in grades 9 through 12; policy requirements; approval or denial of alternative educational opportunity; audit of approved alternative educational programs.
37-71-9. Applications from local school districts for implementation of alternative courses, programs and opportunities or apprenticeship programs; annual progress report.
37-71-11. Criteria for grant of license to participating student applicants; establishment by licensing authorities of passing score for examinations; licensing fee.

§ 37-71-1. Short title.

This chapter shall be known, and may be cited as the "Mississippi Learn to Earn Act."

HISTORY: Laws, 2020, ch. 401, § 1, eff from and after July 1, 2020.

§ 37-71-3. Definitions.

As used in this chapter, the following terms shall have the meaning ascribed in this section, unless the context requires otherwise:

(a) "Alternative learning course" or "alternative course, program or opportunity" means a sequence of instruction over a period of time that meets reasonably equivalent requirements or competencies of a subject or subjects included in the career and technical education curriculum included in the College and Career Readiness Standards, which results in the granting of a credit leading to high school graduation.

(b) "Apprenticeship" means:

(i) A program that meets the federal guidelines set out in 29 CFR Part 29, including Industry Programs; or

(ii) An apprenticeship program that already exists or created by a Mississippi statute, rule or licensing authority.

(c) "Board" means the State Board of Education.

(d) "Department" means the State Department of Education.

(e) "Licensing" means any required training, education, or fee to work in a specific profession.

(f) "Licensing authority" means an agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any profession.

(g) "Sponsoring organization" means any business, industry, whether public or private, nonprofit organization, for-profit organization or other appropriate entities that partner with a local school district or multiple districts to provide alternative learning courses through apprenticeships, internships or pre-apprenticeships, subject to guidelines prescribed by the State Board of Education.

HISTORY: Laws, 2020, ch. 401, § 2, eff from and after July 1, 2020.

§ 37-71-5. Department and certain entities required to identify high-school-to-work apprenticeships or other student internship programs that may be eligible for exemptions from federal and state labor laws and regulations; and to establish procedures for obtaining exemptions.

The State Board of Education, in conjunction with the Department of Employment Security, the State Workforce Investment Board, the Mississippi Community College Board, and any relevant licensing authority shall identify high-school-to-work apprenticeships and other student internship programs that may be eligible for exemptions from those federal and state labor laws and regulations for which exemptions are available for student apprenticeship programs. The State Board of Education, the Department of Employment

Security, the State Workforce Investment Board and the Mississippi Community College Board shall also establish procedures by which such exemptions may be obtained for high-school-to-work apprenticeships and other student internship programs.

HISTORY: Laws, 2020, ch. 401, § 3, eff from and after July 1, 2020.

§ 37-71-7. Extended Learning Opportunities policy; course credit for alternative education opportunities provided through apprenticeships, internships or pre-apprenticeships for students in grades 9 through 12; policy requirements; approval or denial of alternative educational opportunity; audit of approved alternative educational programs.

(1) For the 2021-2022 school term, the State Board of Education shall promulgate a rule by December 31, 2020, authorizing local school boards, in their discretion, to develop an Extended Learning Opportunity to include alternative educational opportunities available to students in Grade 9 through Grade 12, which are provided through apprenticeships, internships or pre-apprenticeships for elective course credit.

(2) Each local school board may adopt an Extended Learning Opportunities policy to include alternative educational opportunities for course credit that recognizes learning opportunities outside of the traditional classroom through apprenticeships, internships or pre-apprenticeships, and grants elective credit for those alternative learning opportunities. If adopted the policy shall:

(a) Provide for an application process for entities to submit proposals for alternative educational opportunities that will qualify for elective course credit;

(b) Define which entities are eligible to submit applications for alternative educational opportunities, which such entities shall include, but not be limited to:

(i) Nonprofit organizations;

(ii) Businesses with established locations in the state;

(iii) Trade associations;

(iv) Parents of students involved in programs that may otherwise qualify for alternative educational opportunities;

(v) Teachers involved in programs outside of the traditional classroom; and

(vi) School personnel involved in programs outside of the traditional classroom.

(c) Provide for the criteria used to evaluate the alternative educational opportunity;

(d) Describe any communication and collaboration needed with local school districts to implement alternative educational opportunities approved by the State Board of Education;

(e) Place requirements on the entity such as background checks for key personnel and minimum accountability standards; and

(f) Provide a process for student credit transfer.

(3) The local school board is authorized to approve or deny an application for an alternative educational opportunity. If an application is approved by the school board, the application shall be submitted to the State Board of Education for review as provided in Section 37-71-11, prior to the implementation of the program within the local school district.

(4) The State Department of Education shall have the authority to audit approved alternative educational programs at any time. If the audit results in findings that an approved program is not meeting the provisions of this chapter or the policy outlined in subsection (2) of this section, then the local school board shall disqualify the program immediately.

HISTORY: Laws, 2020, ch. 401, § 4, eff from and after July 1, 2020.

§ 37-71-9. Applications from local school districts for implementation of alternative courses, programs and opportunities or apprenticeship programs; annual progress report.

(1)(a) Following the adoption of the rule required in Section 37-71-7, the department shall accept applications from local school districts for the implementation of alternative courses, programs and opportunities or apprenticeship programs. The department shall require an application for each alternative course, program or opportunity or apprenticeship program approved by a local school board to be implemented in its school district.

(b) Upon receipt of an application, the department shall have ninety (90) days to approve or deny the application. Any denied application shall be returned to the submitting local school board and shall include an explanation of the reasons for denial of the application.

(2) The State Department of Education shall provide an annual report detailing the progress that has been made in each school district in providing alternative courses, programs and opportunities or apprenticeships. The report shall be provided to the Chairmen of the Senate and House Education Committees no later than December 1 of each year, beginning December 1, 2021. The report also shall be provided to the other members of the Legislature upon request and posted on the department's website for the general public to view.

HISTORY: Laws, 2020, ch. 401, § 5, eff from and after July 1, 2020.

§ 37-71-11. Criteria for grant of license to participating student applicants; establishment by licensing authorities of passing score for examinations; licensing fee.

(1) Beginning with July 1, 2020, a licensing authority shall grant a license to any student applicant who participates in an alternative learning course,

program or opportunity or apprenticeship program, and who meets the following criteria:

(a) Completed an apprenticeship in the licensed occupation or profession;

(b) Attained a satisfactory industry certification score on the WorkKeys assessment, if such assessment is a required component of the alternative course or apprenticeship;

(c) Passed an examination, if one is deemed to be necessary by the licensing authority; and

(d) Paid any fees deemed necessary by the licensing authority.

(2) Licensing authorities shall establish a passing score for their respective examinations which shall not exceed the passing score that is required under the standard licensing processes. If the relevant licensing authority or provision of law does not require an examination for the standard licensing process for an occupation, no examination may be required for applicants who complete an apprenticeship in that occupation.

(3) Licensing authorities shall establish a licensing fee, which shall not exceed the licensing fee that is required under the standard licensing processes. If the relevant licensing authority or state does not require a fee for the standard licensing process for an occupation, no fee can be required for applicants who complete an apprenticeship in that occupation.

(4) Except as otherwise required by federal law, apprenticeships for an occupation shall not be required to exceed the number of hours required by the relevant licensing authority or statute for that occupation.

(5) Licensing authorities shall adopt necessary rules for the implementation of this section.

HISTORY: Laws, 2020, ch. 401, § 6, eff from and after July 1, 2020.

CHAPTER 99

POSTSECONDARY EDUCATION: PROVISIONS COMMON TO INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY AND JUNIOR COLLEGES

Sec.

37-99-1. Adoption of policies by boards of trustees of institutions of higher learning and community and junior colleges that award educational credit to student veterans for certain courses that are part of military training or service.

§ 37-99-1. Adoption of policies by boards of trustees of institutions of higher learning and community and junior colleges that award educational credit to student veterans for certain courses that are part of military training or service.

(1) The Board of Trustees of State Institutions of Higher Learning and the

boards of trustees of the community and junior colleges shall adopt policies requiring the award of educational credits to any student who is enrolled in a public institution of higher learning, community or junior college, and is also a veteran, for courses that are part of the student's military training or service, that meet the standards of the American Council on Education or equivalent standards for awarding academic credit, and that are determined by the academic department or appropriate faculty of the awarding institution to be equivalent in content or experience to courses at that institution. Credits shall be awarded in accordance with Southern Association of Colleges and Schools Commission on Colleges standards.

(2) Each board shall adopt the necessary rules, regulations and procedures to implement the provisions of this section, effective no later than the 2020-2021 academic year and continuing thereafter.

HISTORY: Laws, 2019, ch. 416, § 1, eff from and after July 1, 2019.

CHAPTER 101.

INSTITUTIONS OF HIGHER LEARNING; GENERAL PROVISIONS

In General. 37-101-1
Issuance of Bonds for Construction and Improvement of Facilities. 37-101-91
Commission on College Accreditation. 37-101-241

IN GENERAL

Sec.
37-101-15. General powers and duties of board. [Subparagraph (m)(ii) repealed July 1, 2022].

§ 37-101-15. General powers and duties of board. [Subparagraph (m)(ii) repealed July 1, 2022]

(a) The Board of Trustees of State Institutions of Higher Learning shall succeed to and continue to exercise control of all records, books, papers, equipment, and supplies, and all lands, buildings, and other real and personal property belonging to or assigned to the use and benefit of the board of trustees formerly supervising and controlling the institutions of higher learning named in Section 37-101-1. The board shall have and exercise control of the use, distribution and disbursement of all funds, appropriations and taxes, now and hereafter in possession, levied and collected, received, or appropriated for the use, benefit, support, and maintenance or capital outlay expenditures of the institutions of higher learning, including the authorization of employees to sign vouchers for the disbursement of funds for the various institutions, except where otherwise specifically provided by law.

(b) The board shall have general supervision of the affairs of all the institutions of higher learning, including the departments and the schools

thereof. The board shall have the power in its discretion to determine who shall be privileged to enter, to remain in, or to graduate therefrom. The board shall have general supervision of the conduct of libraries and laboratories, the care of dormitories, buildings, and grounds; the business methods and arrangement of accounts and records; the organization of the administrative plan of each institution; and all other matters incident to the proper functioning of the institutions. The board shall have the authority to establish minimum standards of achievement as a prerequisite for entrance into any of the institutions under its jurisdiction, which standards need not be uniform between the various institutions and which may be based upon such criteria as the board may establish.

(c) The board shall exercise all the powers and prerogatives conferred upon it under the laws establishing and providing for the operation of the several institutions herein specified. The board shall adopt such bylaws and regulations from time to time as it deems expedient for the proper supervision and control of the several institutions of higher learning, insofar as such bylaws and regulations are not repugnant to the Constitution and laws, and not inconsistent with the object for which these institutions were established. The board shall have power and authority to prescribe rules and regulations for policing the campuses and all buildings of the respective institutions, to authorize the arrest of all persons violating on any campus any criminal law of the state, and to have such law violators turned over to the civil authorities.

(d) For all institutions specified herein, the board shall provide a uniform system of recording and of accounting approved by the State Department of Audit. The board shall annually prepare, or cause to be prepared, a budget for each institution of higher learning for the succeeding year which must be prepared and in readiness for at least thirty (30) days before the convening of the regular session of the Legislature. All relationships and negotiations between the State Legislature and its various committees and the institutions named herein shall be carried on through the board of trustees. No official, employee or agent representing any of the separate institutions shall appear before the Legislature or any committee thereof except upon the written order of the board or upon the request of the Legislature or a committee thereof.

(e) For all institutions specified herein, the board shall prepare an annual report to the Legislature setting forth the disbursements of all monies appropriated to the respective institutions. Each report to the Legislature shall show how the money appropriated to the several institutions has been expended, beginning and ending with the fiscal years of the institutions, showing the name of each teacher, officer, and employee, and the salary paid each, and an itemized statement of each and every item of receipts and expenditures. Each report must be balanced, and must begin with the former balance. If any property belonging to the state or the institution is used for profit, the reports shall show the expense incurred in managing the property and the amount received therefrom. The reports shall also show a summary of the gross receipts and gross disbursements for each year and shall show the money on hand at the beginning of the fiscal period of the institution next

preceding each session of the Legislature and the necessary amount of expense to be incurred from said date to January 1 following. The board shall keep the annual expenditures of each institution herein mentioned within the income derived from legislative appropriations and other sources, but in case of emergency arising from acts of providence, epidemics, fire or storm with the written approval of the Governor and by written consent of a majority of the senators and of the representatives it may exceed the income. The board shall require a surety bond in a surety company authorized to do business in this state of every employee who is the custodian of funds belonging to one or more of the institutions mentioned herein, which bond shall be in a sum to be fixed by the board in an amount that will properly safeguard the said funds, the premium for which shall be paid out of the funds appropriated for said institutions.

(f) The board shall have the power and authority to elect the heads of the various institutions of higher learning and to contract with all deans, professors, and other members of the teaching staff, and all administrative employees of said institutions for a term not exceeding four (4) years. The board shall have the power and authority to terminate any such contract at any time for malfeasance, inefficiency, or contumacious conduct, but never for political reasons. It shall be the policy of the board to permit the executive head of each institution to nominate for election by the board all subordinate employees of the institution over which he presides. It shall be the policy of the board to elect all officials for a definite tenure of service and to reelect during the period of satisfactory service. The board shall have the power to make any adjustments it thinks necessary between the various departments and schools of any institution or between the different institutions.

(g) The board shall keep complete minutes and records of all proceedings which shall be open for inspection by any citizen of the state.

(h) The board shall have the power to enter into an energy performance contract, energy services contract, on a shared-savings, lease or lease-purchase basis, for energy efficiency services and/or equipment as prescribed in Section 31-7-14.

(i) The Board of Trustees of State Institutions of Higher Learning, for and on behalf of Jackson State University, is hereby authorized to convey by donation or otherwise easements across portions of certain real estate located in the City of Jackson, Hinds County, Mississippi, for right-of-way required for the Metro Parkway Project.

(j) In connection with any international contract between the board or one (1) of the state's institutions of higher learning and any party outside of the United States, the board or institution that is the party to the international contract is hereby authorized and empowered to include in the contract a provision for the resolution by arbitration of any controversy between the parties to the contract relating to such contract or the failure or refusal to perform any part of the contract. Such provision shall be valid, enforceable and irrevocable without regard to the justiciable character of the controversy. Provided, however, that in the event either party to such contract initiates

litigation against the other with respect to the contract, the arbitration provision shall be deemed waived unless asserted as a defense on or before the responding party is required to answer such litigation.

(k) The Board of Trustees of State Institutions of Higher Learning ("board"), on behalf of any institution under its jurisdiction, shall purchase and maintain business property insurance and business personal property insurance on all university-owned buildings and/or contents as required by federal law and regulations of the Federal Emergency Management Agency (FEMA) as is necessary for receiving public assistance or reimbursement for repair, reconstruction, replacement or other damage to those buildings and/or contents caused by the Hurricane Katrina Disaster of 2005 or subsequent disasters. The board is authorized to expend funds from any available source for the purpose of obtaining and maintaining that property insurance. The board is authorized to enter into agreements with the Department of Finance and Administration, local school districts, community/junior college districts, community hospitals and/or other state agencies to pool their liabilities to participate in a group business property and/or business personal property insurance program, subject to uniform rules and regulations as may be adopted by the Department of Finance and Administration.

(*l*) The Board of Trustees of State Institutions of Higher Learning, or its designee, may approve the payment or reimbursement of reasonable travel expenses incurred by candidates for open positions at the board's executive office or at any of the state institutions of higher learning, when the job candidate has incurred expenses in traveling to a job interview at the request of the board, the Commissioner of Higher Education or a state institution of higher learning administrator.

(m)(i) The Board of Trustees of State Institutions of Higher Learning is authorized to administer and approve contracts for the construction and maintenance of buildings and other facilities of the state institutions of higher learning, including related contracts for architectural and engineering services, which are paid for with self-generated funds.

(ii) Additionally, the board is authorized to oversee, administer and approve contracts for the construction and maintenance of buildings and other facilities of the state institutions of higher learning, including related contracts for architectural and engineering services, which are funded in whole or in part by general obligation bonds of the State of Mississippi at institutions designated annually by the board as being capable to procure and administer all such contracts. Prior to the disbursement of funds, an agreement for each project between the institution and the Department of Finance and Administration shall be executed. The approval and execution of the agreement shall not be withheld by either party unless the withholding party provides a written, detailed explanation of the basis for withholding to the other party. The agreement shall stipulate the responsibilities of each party, applicable procurement regulations, documentation and reporting requirements, conditions prior to, and schedule of, disbursement of general obligation bond funds to the institution and provisions concerning

handling any remaining general obligation bonds at the completion of the project. Such agreement shall not include provisions that constitute additional qualifications or criteria that act to invalidate the designation of an institution as capable of procuring and administering such project. Inclusion of any such provisions may be appealed to the Public Procurement Review Board. This subparagraph (ii) shall stand repealed from and after July 1, 2022.

HISTORY: Codes, 1942, § 6724; Laws, 1932, ch. 127; Laws, 1944, ch. 262, §§ 7-13 (a-g, supra); Laws, 1960, ch. 291; Laws, 1962, ch. 367, § 3; Laws, 1970, ch. 388, § 1; Laws, 1985, ch. 493, § 5; Laws, 1987, ch. 436; Laws, 1998, ch. 578, § 2; Laws, 2004, ch. 313, § 1; Laws, 2005, 5th Ex Sess, ch. 24, § 6; Laws, 2011, ch. 373, § 1; Laws, 2014, ch. 481, § 5, eff from and after July 1, 2014; Laws, 2019, ch. 465, § 1, eff from and after July 1, 2019.

Amendment Notes — The 2019 amendment deleted "of" following "for a term" in the first sentence of (f); inserted "on" following "contract" in (h); and added (m).

JUDICIAL DECISIONS

2. Employment issues.

Although a junior faculty member at a university entered into several employment contracts over a period of time with the Board of Trustees of the Mississippi State Institutions of Higher Learning (IHL), the university was never a party to any of the contracts with junior faculty member as the authority to enter into those contracts was expressly provided to the IHL, not to the university. Thus, all of the junior faculty member's contractual claims against the university failed as a matter of law. Leal v. Univ. of S. Miss., 296 So. 3d 660, 2020 Miss. LEXIS 86 (Miss. 2020).

ISSUANCE OF BONDS FOR CONSTRUCTION AND IMPROVEMENT OF FACILITIES

Sec.
37-101-99. Supervision of building projects.

§ 37-101-99. Supervision of building projects.

The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is hereby authorized to supervise the contracting for, and the erection of, all buildings erected as a result of the provisions of Sections 37-101-91 through 37-101-103 which the Board of Trustees of State Institutions of Higher Learning does not self-administer or allow a state institution of higher learning to administer.

HISTORY: Codes, 1942, § 6725-11; Laws, 1946, ch. 384, § 1; Laws, 1948, ch. 281, § 1; Laws, 1952, ch. 279; Laws, 1958, ch. 296, § 1; Laws, 1968, ch. 414, § 1; Laws, 1969, Ex Sess, ch. 32, § 1; Laws, 1970, ch. 389, § 1, eff from and after passage (approved April 3, 1970); Laws, 2019, ch. 465, § 4, eff from and after July 1, 2019.

Amendment Notes — The 2019 amendment rewrote the section, which read: "The state building commission is hereby authorized to supervise the contracting for, and the

erection of, all buildings erected as a result of the provisions of Sections 37-101-91 through 37-101-103."

COMMISSION ON COLLEGE ACCREDITATION

Sec.
37-101-243. Commission authorized to enter into interstate reciprocity agreements that allow approved institutions to offer postsecondary distance education.

§ 37-101-243. Commission authorized to enter into interstate reciprocity agreements that allow approved institutions to offer postsecondary distance education.

(1) For the purposes of this section, these words are defined as follows:

(a) "Commission" means the Commission on College Accreditation created under Section 37-101-241; and

(b) "Institution" means and includes institutions of higher learning approved under Section 37-101-241 and proprietary schools and other entities subject to regulation under Section 75-60-1 et seq.

(2) The commission may enter into and administer interstate reciprocity agreements that allow institutions to offer postsecondary distance education. The commission is further authorized to carry out the following duties as related to interstate reciprocity agreements:

(a) Approve or disapprove participation in these agreements by institutions;

(b) Establish fees to be paid by participating institutions to cover the commission's direct and indirect administrative costs;

(c) Serve as the state point of contact for questions, complaints and other communications;

(d) Enter into agreements with other state agencies regarding state responsibilities; and

(e) Form committees to assist in establishing policies and procedures.

(3) The commission shall not:

(a) Require institutions to participate in interstate reciprocity agreements; or

(b) Prohibit institutions that do not participate in these agreements from offering postsecondary distance education.

HISTORY: Laws, 2015, ch. 399, § 1, eff from and after July 1, 2015.

SCHOLARSHIPS AND LOANS

§ 37-101-283. Compliance with federal selective service law as condition to loan and scholarship eligibility.

Federal Aspects— Military Selective Service Act, see 50 USCS §§ 3801 et seq.

CHAPTER 103.

RESIDENCY AND FEES OF STUDENTS ATTENDING OR APPLYING FOR ADMISSION TO EDUCATIONAL INSTITUTIONS

Sec.

37-103-19. Residence status of spouse or child of military personnel assigned to active duty.
37-103-25. Tuition and fees for attending state-supported institutions of higher learning and community and junior colleges; waiver of out-of-state tuition under certain circumstances.

§ 37-103-19. Residence status of spouse or child of military personnel assigned to active duty.

(1) Resident status of a spouse or child of a member of the Armed Forces of the United States on extended active duty shall be that of the military spouse or parent for the purpose of attending state-supported institutions of higher learning and community/junior colleges of the State of Mississippi during the time that the military spouse or parent is stationed within the State of Mississippi and shall be continued through the time that the military spouse or parent is stationed in an overseas area with last duty assignment within the State of Mississippi, excepting temporary training assignments en route from Mississippi. Resident status of a spouse or minor child terminates upon reassignment under Permanent Change of Station Orders of the military spouse or parent for duty in the continental United States outside the State of Mississippi, excepting temporary training assignments en route from Mississippi. However, except for spouses who enroll at a professional school or college, spouses or children of members of the Armed Forces who attain Mississippi residency in accordance with the provisions of this subsection and who enroll full time in a Mississippi institution of higher learning or community/junior college shall maintain their residency status so long as they remain enrolled in good standing at a Mississippi institution of higher learning or community/junior college. Enrollment during summer school is not required to maintain such resident status.

(2) The spouse or child of a member of the Armed Forces of the United States who dies or is killed is entitled to pay the resident tuition fee if the spouse or child becomes a resident of Mississippi within one hundred eighty (180) days of the date of death.

(3) If a member of the Armed Forces of the United States is stationed outside Mississippi and the member's spouse or child establishes residence in Mississippi and registers with the Mississippi institution of higher learning or community/junior college at which the spouse or child plans to attend, the institution of higher education or community/junior college shall permit the spouse or child to pay the tuition, fees and other charges provided for Mississippi residents without regard to length of time that the spouse or child has resided in Mississippi.

(4) A member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States who is entitled to pay tuition and fees at the rate provided for Mississippi residents under another provision of this section shall maintain resident classification for tuition and fee purposes as long as he or she is continuously enrolled at a Mississippi institution of higher learning or community/junior college. A student may withdraw or may choose not to reenroll for no more than one (1) semester or term while pursuing a degree or certificate without losing resident status only if that student provides sufficient documentation by a physician that the student has a medical condition that requires withdrawal or nonenrollment. For purposes of this subsection, a person is not required to enroll in a summer term to remain continuously enrolled in a degree or certificate program. The person's eligibility to pay tuition and fees at the rate provided for Mississippi residents under this subsection does not terminate because the person is no longer a member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States.

HISTORY: Codes, 1942, § 6800-11; Laws, 1962, ch. 355, § 1; Laws, 1968, ch. 417, § 1; ch. 418, § 1; Laws, 2005, ch. 544, § 1, eff from and after passage (approved Apr. 20, 2005); Laws, 2019, ch. 438, § 1, eff from and after July 1, 2019.

Amendment Notes — The 2019 amendment, in (1), rewrote the former second sentence, which read: "Resident status of a minor child terminates upon reassignment under Permanent Change of Station Orders of the military parent for duty in the continental United States outside the State of Mississippi, excepting temporary training assignments en route from Mississippi, and except that children of members of the Armed Forces who attain Mississippi residency in accordance with the above provisions, who begin and complete their senior year of high school in Mississippi, and who enroll full time in a Mississippi institution of higher learning or community/junior college to begin studies in the fall after their graduation from high school, maintain their residency status so long as they remain enrolled as a student in good standing at a Mississippi institution of higher learning or community/junior college" and divided it into the present second and third sentences; and rewrote the former first sentence of (4), which read: "A member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States who is entitled to pay tuition and fees at the rate provided for Mississippi residents under another provision of this section while enrolled in a degree or certificate program is entitled to pay tuition and fees at the rate provided for Mississippi residents in any subsequent term or semester while the person is continuously enrolled in the same degree or certificate program."

§ 37-103-25. Tuition and fees for attending state-supported institutions of higher learning and community and junior colleges; waiver of out-of-state tuition under certain circumstances.

(1) The Board of Trustees of State Institutions of Higher Learning and the boards of trustees of the community colleges and junior colleges are authorized to prescribe the amount of tuition and fees to be paid by students attending the several state-supported institutions of higher learning and community colleges and junior colleges of the State of Mississippi.

(2) Except as otherwise provided in this subsection and subsections (3) and (4) of this section, the total tuition to be paid by residents of other states shall not be less than the average cost per student from appropriated funds. However, the tuition to be paid by a resident of another state shall be equal to the tuition amount established under subsection (1) of this section if:

(a) The nonresident student is either a veteran, as defined by Title 38 of the United States Code, or a person entitled to education benefits under Title 38 of the United States Code. Nonresident students enrolled in a professional school or college at a state institution of higher learning are excluded from this paragraph (2)(a) except for those nonresident students who must be charged tuition equal to the amount established under subsection (1) due to the provisions of Section 702 of the Veterans Access, Choice and Accountability Act of 2014. This paragraph (a) shall be administered and interpreted in the manner necessary to obtain or retain approval of courses of education by the Secretary of the United States Department of Veterans Affairs;

(b) The nonresident student is an evacuee of an area affected by Hurricane Katrina or Hurricane Rita. This waiver shall be applicable to the 2005-2006 school year only.

(c) The nonresident student's out-of-state tuition was waived according to subsection (3) or (4) of this section.

(3) The Board of Trustees of State Institutions of Higher Learning may, in its discretion, consider and grant requests to approve institution specific policies permitting the waiver of out-of-state tuition when such an official request is made by the president or chancellor of the institution and when such request is determined by the board to be fiscally responsible and in accordance with the educational mission of the requesting institution.

(4) The board of trustees of any community college or junior college may develop and implement a policy for waiving out-of-state tuition for the college if the policy is determined by the board to be in accordance with the educational mission of the college and if a local industry or business or a state agency agrees to reimburse the college for the entire amount of the out-of-state tuition that will be waived under the policy. State funds shall be allocated and spent only on students who reside within the State of Mississippi. However, associate degree nursing students who reside outside the State of Mississippi may be counted for pay purposes.

HISTORY: Codes, 1942, § 6800-12; Laws, 1962, ch. 355, § 2; Laws, 2003, ch. 364, § 1; Laws, 2005, 5th Ex Sess, ch. 13, § 1; Laws, 2012, ch. 301, § 1; Laws, 2013, ch. 438, § 1; Laws, 2015, ch. 386, § 1; Laws, 2016, ch. 350, § 1, eff from and after July 1, 2016.

Amendment Notes — The 2015 amendment, in (2), deleted former (a), which read: "The nonresident student was born in the State of Mississippi but subsequently relocated and resided outside the state as a minor under the care of the minor's father or mother, or both," rewrote former (b), which read: "The nonresident student is a veteran who served in the Armed Forces of the United States," and redesignated it (a), deleted former (c), which read: "The nonresident student is domiciled in Mississippi no later than six (6) months after the nonresident student's separation from service, as

evidenced by a Report of Separation from Military Service or other military discharge document, for the purpose of enrolling in a state institution of higher learning or a community or junior college," and redesignated former (d) and (e) as (b) and (c).

The 2016 amendment added the second sentence of (2)(a).

Federal Aspects— Section 702 of the Veterans Access, Choice and Accountability Act of 2014 is codified in 38 USCS § 3679.

CHAPTER 105.

CAMPUSES AND STREETS OF STATE INSTITUTIONS OF HIGHER LEARNING

Sec.

37-105-3. Enforcement of traffic rules and regulations; jurisdiction of law enforcement officers appointed by state institutions of higher learning.

§ 37-105-3. Enforcement of traffic rules and regulations; jurisdiction of law enforcement officers appointed by state institutions of higher learning.

(1) The traffic officers duly appointed by the president of any state institution of higher learning, or any peace officer or highway patrolman of this state, are vested with the powers and authority to perform all duties incident to enforcing such rules and regulations as may be enacted under the authority granted in Section 37-105-1, including the arrest of violators.

(2) The peace officers duly appointed by the president of any state institution of higher learning are also vested with the powers and subjected to the duties of a constable for the purpose of preventing all violations of law that occur within five hundred (500) feet of any property owned by the university, if such universities determine that they want such peace officers to exercise such powers and if reasonably determined to have a possible impact on the safety of students, faculty or staff of the university while on said property. If a university determines that it wants such peace officers to exercise such powers, the university may enter into an interlocal agreement with other law enforcement entities specifying the individual and joint duties to be exercised on property within the peace officers' jurisdiction. Provided, however, that nothing in this section shall be interpreted to require action by any such peace officer appointed by such universities to events occurring outside the boundaries of university property, nor shall any such university or its employees be liable for any failure to act to any event occurring outside the boundaries of property owned by the university.

With approval from the Board of Trustees of State Institutions of Higher Learning, the university may enter into an interlocal agreement with other law enforcement entities for the provision of equipment or traffic control duties, however, the duty to enforce traffic regulations and to enforce the laws of the state or municipality off of university property lies with the local police or sheriff's department which cannot withhold its services solely because of the lack of such an agreement.

HISTORY: Codes, 1942, § 6726.7; Laws, 1954, ch. 281, §§ 1-4; Laws, 2007, ch. 599, § 1; Laws, 2015, ch. 405, § 1, eff from and after July 1, 2015.

Amendment Notes — The 2015 amendment, in (2), in the first paragraph, substituted "appointed by the president of any state institution of higher learning" for "employed by Jackson State University and the University of Southern Mississippi" at the beginning of the first sentence, and added the second sentence; and in the second paragraph, substituted "With approval from the Board of Trustees of State Institutions of Higher Learning, the university" for "Jackson State University and the University of Southern Mississippi.

CHAPTER 106.

POST-SECONDARY EDUCATION FINANCIAL ASSISTANCE

Sec.

37-106-11. Post-secondary education financial assistance board; compensation; powers; annual report.
37-106-47. Authorization to operate forgivable loan programs.
37-106-55. Critical Needs Teacher Forgivable Loan Program [Repealed effective July 1, 2021].
37-106-57. William F. Winter Teacher Forgivable Loan Program.
37-106-71. Mississippi Dyslexia Education Forgivable Loan Program.
37-106-75. Higher Education Legislative Plan Grant Program.

§ 37-106-11. Post-secondary education financial assistance board; compensation; powers; annual report.

(1) The members of the board shall serve without pay.

(2) The board is hereby vested with full and complete authority and power to sue in its own name any person for any balance, including principal, interest and reasonable collection costs or attorney's fees, due and owing the state on any uncompleted contract.

(3) The board shall promulgate rules and regulations to govern the state grant and forgivable loan programs authorized in this chapter.

(4) When appropriate, the board shall administer the Nissan Scholarship Program.

(5) All funds administered by the board shall be accounted for in an annual report that shall be submitted to the Legislature within ten (10) days after the convening thereof each year. The report should detail for each grant or forgivable loan program the number of recipients, the total amount of awards made, and the average award amount. The report shall include the number of students at each institution receiving financial assistance and the amount of the assistance. For forgivable loan programs, the report shall also include a summary of the repayment status and method of repayment for student cohorts as well as an accounting of the receipt of funds in repayment.

HISTORY: Laws, 1975, ch, 507, § 5; Laws, 2014, ch. 538, § 4, eff from and after

July 1, 2014; Laws, 2018, ch. 387, § 1, eff from and after passage (approved March 19, 2018).

Amendment Notes — The 2018 amendment, effective March 19, 2018, added (4) and redesignated former (4) as (5).

§ 37-106-47. Authorization to operate forgivable loan programs.

(1)(a) The board is authorized and empowered to operate the following forgivable loan programs of like character, operation and purpose to the foregoing enumerated programs to encourage the participation of eligible worthy persons in courses of instruction in its institutions: Graduate Teacher Forgivable Loan, Counselor and School Administrator Forgivable Loan, Southern Regional Education Board Doctoral Scholars Forgivable Loan, and Veterinary Medicine Minority Forgivable Loan.

(b) In addition to the authority granted to the board in paragraph (a) of this subsection, the board is authorized and empowered to promulgate rules and regulations for the Southern Regional Education Board Contract Forgivable Loan Program, created through the regional education compact, as set forth in Section 37-135-1.

(2) In furtherance of such power and authority, the board is authorized to adopt and implement rules and regulations declaring and describing the goals and objectives of such forgivable loan programs; to establish the eligibility requirements for entry into such program and required for continuing participation for succeeding years; to determine the maximum amount to be made available to recipients; to delineate the terms and conditions of contracts with recipients and establish the service requirements for such contracts, if any; to enter into contracts pertaining to such programs with recipients; to enter into loan agreements and other contracts with financial institutions or other providers of loan monies for forgivable loan and loan repayment participants; and to allocate and utilize such funds as may be necessary for the operation of such forgivable loan programs from the annual appropriation for student financial aid. In issuing rules and regulations governing the administration of the Graduate Teacher Summer Scholarship (GTSS) program, the board shall provide that certified teachers at the Oakley Youth Development Center under the jurisdiction of the Department of Human Services shall be fully eligible to participate in the program.

HISTORY: Laws, 2014, ch. 538, § 19; Laws, 2016, ch. 390, § 1, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment added (1)(b).

§ 37-106-55. Critical Needs Teacher Forgivable Loan Program [Repealed effective July 1, 2021].

(1) There is established the "Critical Needs Teacher Forgivable Loan Program," the purpose of which is to attract qualified teachers to those

geographical areas of the state and those subject areas of the curriculum where there exists a critical shortage of teachers by awarding forgivable loans to persons declaring an intention to serve in the teaching field who actually render service to the state while possessing an appropriate teaching license.

(2) Individuals shall not be eligible to enroll in the Critical Needs Teacher Scholarship Program after the 2014-2015 academic year, and in subsequent years individuals are encouraged to apply to the Teaching Fellows Program established in Section 37-106-77. Any individual who is enrolled in or accepted for enrollment at a teacher education program approved by the State Board of Education or other program at a baccalaureate degree-granting institution of higher learning in the State of Mississippi and has a passing score on the Praxis I Basic Skills Test who expresses in writing an intention to teach in a geographical area of the state or a subject area of the public school curriculum in which there exists a critical shortage of teachers, as designated by the State Board of Education, shall be eligible for a forgivable loan to be applied toward the costs of the individual's college education. The annual amount of the award shall be equal to the total cost for tuition, room and meals, books, materials and fees at the college or university in which the student is enrolled, not to exceed an amount equal to the highest total cost of tuition, room and meals, books, materials and fees assessed by a state institution of higher learning during that school year. Awards made to nonresidents of the state shall not include any amount assessed by the college or university for out-of-state tuition.

(3) Awards granted under the Critical Needs Teacher Forgivable Loan Program shall be available to both full-time and part-time students. Students enrolling on a full-time basis may receive a maximum of two (2) annual awards. The maximum number of awards that may be made to students attending school on a part-time basis, and the maximum time period for part-time students to complete the number of academic hours necessary to obtain a baccalaureate degree in education, shall be established by rules and regulations promulgated by the board. Critical Needs Teacher Forgivable Loans shall not be based upon an applicant's financial need.

(4) Awards granted under the Critical Needs Teacher Forgivable Loan Program shall be made available to nontraditional licensed teachers showing a documented need for student loan repayment and employed in those school districts designated by the State Board of Education as a geographical area of the state or in a subject area of the curriculum in which there is a critical shortage of teachers. The maximum annual amount of this repayment should not exceed Three Thousand Dollars ($3,000.00) and the maximum time period for repayment shall be no more than four (4) years.

(5) Except in those cases where employment positions may not be available upon completion of licensure requirements, at the beginning of the first school year in which a recipient of a Critical Needs Teacher Forgivable Loan is eligible for employment as a licensed teacher or a nontraditional teacher intern pursuant to Section 37-3-2(6)(b), that person shall begin to render service as a licensed teacher or nontraditional teacher intern in a public school district in

a geographical area of the state or a subject area of the curriculum where there is a critical shortage of teachers, as approved by the State Board of Education.

(6) Failure to repay any loan and interest that becomes due shall be cause for the revocation of a person's teaching license by the State Board of Education.

(7) Repayment and conversion terms shall be the same as those outlined in Section 37-106-53.

(8) The board shall promulgate rules and regulations necessary for the proper administration of the Critical Needs Teacher Forgivable Loan Program.

(9) The State Board of Education shall compile and report, in consultation with the board, an annual report with findings and recommendations to the legislative committees on education by December 1, 2003, and annually thereafter, on the following:

(a) The number of participants in the Critical Needs Teacher Forgivable Loan Program, by institution and by freshman, sophomore, junior and senior level;

(b) The number of nontraditional teacher license program participants;

(c) The number of individuals who completed the Critical Needs Teacher Forgivable Loan Program and the school district in which they are employed;

(d) The number of individuals who are in default of their obligation under the Critical Needs Teacher Forgivable Loan Program and the status of their obligation;

(e) The number of participants in the program who have successfully completed the Praxis examination in their junior year; and

(f) The number of noneducation majors participating in the program.

(10) Where local school districts exhibit financial need, the State Department of Education may, subject to the availability of funds specifically appropriated therefor by the Legislature, provide financial assistance for the recruitment of certified teachers in an amount not to exceed Seventy-five Thousand Dollars ($75,000.00) annually.

This section shall stand repealed on July 1, 2021.

HISTORY: Laws, 2014, ch. 538, § 23, eff from and after July 1, 2014; Laws, 2020, ch. 339, § 1, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment extended the date of the repealer for the section by substituting "July 1, 2021" for "July 1, 2020" in the last paragraph.

§ 37-106-57. William F. Winter Teacher Forgivable Loan Program.

(1) It is the intention of the Legislature to attract and retain qualified teachers by awarding incentive loans to persons declaring an intention to serve in the teaching field and who actually render service to the state while possessing an appropriate teaching license.

(2) There is established the "William F. Winter Teacher Forgivable Loan Program."

(3) Subject to the availability of funds, students who are enrolled in any baccalaureate degree-granting institution of higher learning in the State of Mississippi that is regionally accredited and approved by the board and who have expressed in writing a present intention to teach in Mississippi shall be eligible for student loans to be applied to the costs of their college education. Persons who have been admitted to a teacher education program or a nontraditional teacher internship licensure program authorized under Section 37-3-2(6)(b), as approved by the State Board of Education, shall also qualify for loans at approved institutions. The board shall provide that teacher education majors and noneducation majors shall have equal access to forgivable loans under authority of this section.

(4) A junior establishing initial eligibility shall be eligible for a maximum of two (2) annual loans and a senior shall be eligible for one (1) annual loan.

(5) The maximum annual loan shall be set by the board at an amount not to exceed the cost of attendance at any baccalaureate degree-granting institution of higher learning in the State of Mississippi. However, it is the intent of the Legislature that the maximum annual loan amounts under the William F. Winter Teacher Forgivable Loan Program shall not be of such amounts that would compete with the Critical Needs Teacher Forgivable Loan Program.

(6) The loans of persons who actually render service as licensed teachers or nontraditional teacher interns authorized under Section 37-3-2(6)(b) in a public school, including a charter school, in Mississippi for a major portion of the school day for at least seventy-eight (78) school days shall be converted to interest-free scholarships. Repayment and conversion terms shall be the same as those outlined in Section 37-106-53.

(7) Awards granted under the William F. Winter Teacher Forgivable Loan Program shall be made available to nontraditional licensed teachers showing a documented need for student loan repayment and employed in those school districts designated by the State Board of Education as a geographical area of the state or in a subject area of the curriculum in which there is a critical shortage of teachers. Repayment and conversion terms shall be the same as outlined in Section 37-106-53 except that the maximum annual amount of this repayment should not exceed Three Thousand Dollars ($3,000.00) and the maximum time period for repayment shall be no more than four (4) years.

(8) Failure to repay any loan and interest that becomes due shall be cause for the revocation of a person's teaching license by the State Department of Education.

(9) The board shall promulgate regulations necessary for the proper administration of this section.

HISTORY: Laws, 2014, ch. 538, § 24, eff from and after July 1, 2014; Laws, 2019, ch. 462, § 2, eff from and after July 1, 2019.

Amendment Notes — The 2019 amendment added (7) and redesignated the remaining subsections accordingly.

§ 37-106-71. Mississippi Dyslexia Education Forgivable Loan Program.

(1) There is established the Mississippi Dyslexia Education Forgivable Loan Program for the purpose of identifying and recruiting qualified university and college students from the state for schooling in education with a focus on dyslexia therapy.

(2) The receipt of a forgivable loan under the program shall be solely limited to those students who are enrolled in or who have been accepted for enrollment into a master's degree program of study for dyslexia therapy at any public or private institution of higher learning within the State of Mississippi at the time an application for a forgivable loan is filed with the board.

(3) The annual amount of the forgivable loan award shall be equal to the total cost for tuition, materials and fees at the college or university in which the student is enrolled. Awards made to nonresidents of the state shall not include any amount assessed by the college or university for out-of-state tuition.

(4) Upon completion of the master's program and licensure requirements, a forgivable loan recipient who has not been previously licensed by the State Department of Education shall render service in an instructional or clinical capacity as a licensed dyslexia therapist in a public school district in the state or an eligible nonpublic school as defined by Section 37-173-1 and meets the criteria established in Section 37-173-17, not to exceed five (5) recipients rendering instructional or clinical services in a nonpublic school at any time.

(5) Repayment and conversion terms shall be the same as those outlined in Section 37-106-53.

(6) The board shall prepare and submit a report to the Legislature by January 1, 2015, and annually thereafter, outlining in detail the number of participants who have received forgivable loans under the program, the record of service provided by those recipients as they transition out of the degree program into the public school districts of this state, and the projection for expanding the program to include more participants annually as determined by the need for such qualified professionals in the public school setting. Additionally, the report shall include a summary of allocations and expenditures for the administration of the program and the total amount of funds issued to recipients of forgivable loans from the inception of the program until such time as the report has been prepared and submitted to the Legislature.

(7) The Mississippi Dyslexia Education Forgivable Loan Program shall be administered in the same manner as the Critical Needs Teacher Forgivable Loan Program established under Section 37-106-55 and shall be incorporated into the Critical Needs Teacher Forgivable Loan Program for all purposes.

(8) Funding for the establishment and continued operation of the Mississippi Dyslexia Education Forgivable Loan Program shall be administered by the board through a special fund established within the Critical Needs Teacher Forgivable Loan Program. The board may accept and receive monetary gifts and donations from any source, public or private, which such funds shall be

deposited in the special fund for the benefit of the Mississippi Dyslexia Education Forgivable Loan Program with the Critical Needs Teacher Forgivable Loan Program.

(9) No more than twenty (20) students per cohort shall be selected annually to be admitted into the program for receipt of forgivable loans beginning with the 2013-2014 academic year. However, forgivable loans awarded under the program shall be provided only to students who have been accepted into a Dyslexia Therapy Master's Degree Cohort Program approved by the State Department of Education that provides instructional training as required under Chapter 173, Title 37, Mississippi Code of 1972, for dyslexia therapy in preparation of those cohort students for AA licensure by the department.

(10) As part of the Mississippi Dyslexia Education Forgivable Loan Program, the State Department of Education is authorized and directed, subject to the availability of funds specifically appropriated therefor by the Legislature, to provide financial assistance for the recruitment, placement and employment of qualified licensed dyslexia therapy professionals identified under Section 37-173-15(1)(b), Mississippi Code of 1972, in order to provide dyslexia screening, evaluation and therapy services to the students attending school in the school district. Said funding may be used to purchase curriculum materials and supplies for dyslexia therapy services. Said funding shall be provided to public school districts upon application therefor regardless of the financial need of the school district in an amount not to exceed Fifty Thousand Dollars ($50,000.00) annually, and subject to specific appropriation therefor by the Legislature. In order to qualify for such funds, the school district shall meet the following criteria:

(a) Use licensed dyslexia therapists or individuals participating in an approved training program resulting in State Department of Education licensure to provide dyslexia therapy to students diagnosed with dyslexia;

(b) Use daily Orton-Gillingham-based therapy;

(c) Have school leadership trained in dyslexia; and

(d) Have a current School Program Verification and Assurances form on file with the State Department of Education, Office of Curriculum and Instruction. Procedures and standards for the application for such funds shall be established by regulations developed and issued by the State Board of Education.

HISTORY: Laws, 2014, ch. 538, § 31; Laws, 2015, ch. 427, § 1, eff from and after July 1, 2015; Laws, 2019, ch. 462, § 1, eff from and after July 1, 2019.

Amendment Notes — The 2015 amendment added "or an eligible nonpublic school as defined by Section 37-173-1 and meets the criteria established in Section 37-173-17, not to exceed five (5) recipients rendering services in a nonpublic school at any time" at the end of (4); inserted "and annually thereafter" in the first sentence of (6); added (10); and made minor stylistic changes.

The 2019 amendment, in (4), inserted "in an instructional or clinical capacity," substituted "licensed dyslexia therapist" for "licensed teacher of dyslexia therapy" and inserted "instructional or clinical."

§ 37-106-75. Higher Education Legislative Plan Grant Program.

(1) The Legislature hereby establishes the Higher Education Legislative Plan Grant Program.

(2) For purposes of this section:

(a) "Institution of higher education" shall mean any state institution of higher learning or public community or junior college, or any regionally accredited, state-approved, nonprofit two-year or four-year college or university located in the State of Mississippi approved by the board.

(b) "Tuition" shall mean the semester or trimester or term charges and all required fees imposed by an institution of higher education as a condition of enrollment by all students. However, for a two-year nonpublic institution of higher education defined in paragraph (a), the tuition payments shall not exceed the average charges and fees required by all of the two-year public institutions of higher education defined in paragraph (a), and for a four-year nonpublic institution of higher education defined in paragraph (a), the tuition payments shall not exceed the average charges and fees required by all of the four-year public institutions of higher education defined in paragraph (a).

(3) Subject to the availability of funds, the state may pay the tuition of students who enroll at any state institution of higher education to pursue an academic undergraduate degree who apply for the assistance under the program and who meet all of the following qualifications:

(a) Resident of the State of Mississippi. Resident status for the purpose of receiving assistance under this chapter shall be determined in the same manner as resident status for tuition purposes in Sections 37-103-1 through 37-103-29, with the exception of Section 37-103-17;

(b) Graduate from high school within the two (2) years preceding the application with a minimum cumulative grade point average of 2.5 calculated on a 4.0 scale;

(c) Successfully complete, as certified by the high school counselor or other school official, high school course work which includes the College Preparatory Curriculum (CPC) approved by the Board of Trustees of State Institutions of Higher Learning and required for admission into a state university;

(d) Have a composite score on the American College Test of at least twenty (20) on the 1989 version or an equivalent concordant value on an enhanced version of such test;

(e) Have no criminal record, except for misdemeanor traffic violations; and

(f) Be in financial need.

(4) Subject to the availability of funds, the state may pay the tuition of students who enroll at any state institution of higher education to pursue an academic undergraduate degree or associate degree who apply for assistance under the program and who meet the qualifications in paragraphs (a), (e) and

(f) of subsection (3) but who fail to meet one (1) of the particular requirements established by paragraph (b), (c) or (d) of subsection (3) by an amount of ten percent (10%) or less.

(5) To maintain continued state payment of tuition, once enrolled in an institution of higher education, a student shall meet all of the following requirements:

(a) Make steady academic progress toward a degree, earning not less than the minimum number of hours of credit required for full-time standing in each academic period requiring such enrollment;

(b) Maintain continuous enrollment for not less than two (2) semesters or three (3) quarters in each successive academic year, unless granted an exception for cause by the board;

(c) Have a cumulative grade point average of at least 2.5 calculated on a 4.0 scale at the end of the first academic year and thereafter maintain such a cumulative grade point average as evaluated at the end of each academic year;

(d) Have no criminal record, except for misdemeanor traffic violations; and

(e) Be in financial need.

(6) The provisions of this section shall be administered by the board. The board may promulgate rules for all matters necessary for the implementation of this section. By rule, the board shall provide for:

(a) A mechanism for informing all students of the availability of the assistance provided under this section early enough in their schooling that a salutary motivational effect is possible;

(b) Applications, forms, financial audit procedures, eligibility and other program audit procedures and other matters related to efficient operation;

(c) A procedure for waiver through the 1996-1997 academic year of the program eligibility requirement for successful completion of a specified core curriculum upon proper documentation by the applicant that failure to comply with the requirement is due solely to the fact that the required course or courses were not available to the applicant at the school attended.

(7) An applicant shall be found to be in financial need if:

(a) The family has one (1) child under the age of twenty-one (21), and the annual adjusted gross income of the family is less than Forty-two Thousand Five Hundred Dollars ($42,500.00); or

(b) The family has an annual adjusted gross income of less than Forty-two Thousand Five Hundred Dollars ($42,500.00) plus Five Thousand Dollars ($5,000.00) for each additional child under the age of twenty-one (21).

The annual adjusted gross income of the family shall be verified by completion of the Free Application for Federal Student Aid (FAFSA) and the completion of the verification process if the applicant is selected for it.

As used in this subsection, the term "family" for an unemancipated applicant means the applicant, the applicant's parents and other children under age twenty-one (21) of the applicant's parents. The term "family" for

an emancipated applicant means the applicant, an applicant's spouse, and any children under age twenty-one (21) of the applicant and spouse.

(8) No student shall receive a grant under this section in an amount greater than the tuition charged by the school. The student must apply for a federal grant prior to receiving state funds.

HISTORY: Laws, 2014, ch. 538, § 33, eff from and after July 1, 2014; Laws, 2020, ch. 332, § 1, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment rewrote (3)(c), which read: "Successfully complete, as certified by the high school counselor or other school official, seventeen and one-half (17-1/2) units of high school course work which includes the College Preparatory Curriculum (CPC) approved by the Board of Trustees of State Institutions of Higher Learning and required for admission into a state university, plus one (1) unit of art which may include one (1) unit or two (2) one-half (1/2) units from the approved Mississippi Department of Education Arts-Visual and Performing series, and one (1) additional advanced elective unit, which may include Foreign Language II."

CHAPTER 113.

MISSISSIPPI STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE

In General. 37-113-1

IN GENERAL

Sec.
37-113-6. University lands shall not be taxed.

§ 37-113-6. University lands shall not be taxed.

The lands and property of Mississippi State University shall not be subject to state, county or municipal taxation. The buildings and improvements that are or may be erected on any land belonging to the university that has been or may be leased to private entities for the purpose of affording affordable board to the students attending the institution shall not be subject to taxation.

HISTORY: Laws, 2017, ch. 378, § 1, eff from and after passage (approved Mar. 22, 2017).

§ 37-113-7. Acquisition or sale of land.

Editor's Notes — Laws of 2016, ch. 354, § 2, provides: "SECTION 2. Subject to the approval of the Board of Trustees of State Institutions of Higher Learning, Mississippi State University is authorized and empowered, in its discretion, to lease to the Starkville-Oktibbeha Consolidated School District and the Starkville-Oktibbeha Consolidated School District is authorized and empowered, in its discretion, to lease from Mississippi State University, upon mutually agreeable terms and conditions, land suitable for a model rural education school to serve all sixth- and seventh-grade

students from Oktibbeha County for a term not to exceed ninety-nine (99) years. Any such lease shall not be cancelled by successor boards based on the binding successor doctrine."

Laws of 2016, ch. 493, §§ 1 through 4 provide: "SECTION 1. (1) The Board of Trustees of State Institutions of Higher Learning, acting on behalf of Mississippi State University of Agriculture and Applied Sciences, is authorized to enter into a long-term lease of all or any portion of certain real property under its control and possession. The property described in this section shall be leased for a period not to exceed a term of forty (40) years and one (1) additional option for a renewal period not to exceed ten (10) years, for the purposes of developing housing and/or retail space for the benefit of the university. The property to be leased being more particularly described as follows:

[For a complete description of the property, see Section 1, Chapter 493, Laws of 2016]

"(2) The lease and any amendments to the lease of all or any portion of the real property authorized for lease under subsection (1) of this section shall be subject to the approval of the Board of Trustees of State Institutions of Higher Learning. The approved lease and any amendments to the lease shall not be cancelled by successor boards based on the binding successor doctrine.

"SECTION 2. (1) The Board of Trustees of State Institutions of Higher Learning, acting on behalf of Mississippi State University of Agriculture and Applied Sciences, is authorized to enter into a long-term sublease of all or any portion of the real property described in Section 1 of this act which is under its control and possession for a period not to exceed a term of forty (40) years and one (1) additional option for a renewal period not to exceed ten (10) years.

"(2) The sublease and any amendments to the sublease of all or any portion of the real property described in Section 1 of this act shall be subject to the approval of the Board of Trustees of State Institutions of Higher Learning. The approved sublease and any amendments to the sublease shall not be cancelled by successor boards based on the binding successor doctrine.

"SECTION 3. If all or any portion of the property described in Section 1 is leased, Mississippi State University of Agriculture and Applied Sciences, with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to negotiate all aspects of any lease or sublease and any terms and ancillary agreements pertaining to any lease or sublease as may be reasonably necessary to effectuate the intent and purposes of this section and to ensure a fair and equitable return to the state.

"SECTION 4. (1) All proceeds derived or received from the agreements and leases entered into under this section shall be deposited into a special fund and expended only for the use and benefit of Mississippi State University.

"(2) At the end of the lease term provided in this act, the property leased under the authority provided herein shall revert to Mississippi State University.

"(3) The State of Mississippi shall retain all mineral rights to the real property leased under Section 1 of this act.

"(4) The Department of Finance and Administration is authorized to correct any discrepancies in the property described in Section 1 of this act."

CHAPTER 115.

UNIVERSITY OF MISSISSIPPI

University of Mississippi Medical Center. 37-115-41
University of Mississippi Medical Center; joint-purchasing arrangements, joint ventures, joint-operating agreements, etc. 37-115-50

SCHOOL OF MEDICINE

§ 37-115-21. "Medical school" defined.

OPINIONS OF THE ATTORNEY GENERAL

Sections 37-115-21 et seq. establish the University Medical Center and its teaching hospital independently of the certificate of need statutes and, therefore, the University of Mississippi Medical Center is not subject to the certificate of need provisions. Conerely, July 14, 2000, A.G. Op. #2000-0326.

§ 37-115-25. University Hospital; University of Mississippi Medical Center and University Hospital authorized to enter into faculty physician and staff recruitment agreements.

Editor's Notes — Laws of 2018, ch. 400, § 1, effective March 19, 2018, provides:

"SECTION 1: The Legislature finds and declares:

"(a) A rare disease is defined as a disease that affects fewer than two hundred thousand (200,000) people in the United States. Rare diseases are sometimes called orphan diseases. There are seven thousand (7,000) known rare diseases affecting approximately thirty million (30,000,000) men, women and children in the United States;

"(b) The exact cause for many rare diseases remains unknown. However, eighty percent (80%) of rare diseases are genetic in origin and can be linked to mutations in a single gene or in multiple genes. Those diseases are referred to as genetic diseases. Genetic disease can be passed down from generation to generation, explaining why certain rare diseases run in families. It is also estimated that about half of all rare diseases affect children;

"(c) A person suffering with a rare disease in Mississippi faces a wide range of challenges, including, but not limited to: delays in obtaining a diagnosis; misdiagnosis; shortage of medical specialists who are familiar with, and can provide treatment for, rare diseases; prohibitive cost of treatment; and the inability to access therapies and medication that are used by doctors to treat rare diseases but have not been approved by the federal Food and Drug Administration (FDA) for that specific purpose;

"(d) In recent years, researchers have made considerable progress in developing diagnostic tools and treatment protocols for, and in discovering ways to prevent a variety of, rare diseases. However, much more remains to be done in the areas of rare disease research and the search for and development of new therapeutics; and

"(e) It would be very beneficial to persons in Mississippi with rare diseases and to researchers who are trying to find ways to treat or prevent the occurrence of rare diseases to examine the existing data on rare diseases in Mississippi and compile it in a detailed report, which then could be analyzed and used to educate medical professionals, government agencies and the public about rare diseases as an important public health issue, and to encourage and fund research in the development of new treatments for rare diseases."

Laws of 2018, ch. 400, § 2, effective March 19, 2018, provides:

"SECTION 2. The University of Mississippi Medical Center (UMMC) as the lead agency, together with the State Department of Health, the Division of Medicaid and the Mississippi Health Information Network (MS-HIN), shall cooperate with each other in preparing a comprehensive report on the state of rare diseases in Mississippi, including the incidence of rare diseases in the state, the status of the rare disease community, and treatment and services provided to persons with rare diseases in the state. The State

Department of Health, the Division of Medicaid and the MS-HIN shall provide to UMMC and each other all claims data and patient encounter data relating to the diagnosis and treatment of rare diseases and all related research and documentation relating to rare diseases, which shall be compiled, examined and analyzed in the report. The report shall be presented to the Chairs of the House Public Health and Human Services Committee, Senate Public Health and Welfare Committee, and the House and Senate Medicaid Committees not later than December 1, 2019."

§ 37-115-27. Location of school and hospital.

Editor's Notes — Laws of 2016, ch. 492, § 1, effective May 13, 2016, provides:

"SECTION 1. (1) The University of Mississippi Medical Center (UMMC), with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to enter into an agreement to lease a part of its real property to the American Cancer Society for the purpose of providing temporary housing to cancer patients and their families and for the use of associated administrative office space for a term of no more than forty (40) years. The property is located in the City of Jackson, Hinds County, Mississippi, such parcel to be leased to be more particularly described in the agreement as determined by the University of Mississippi Medical Center and approved by the Board of Trustees of State Institutions of Higher Learning.

"(2) At the end of the lease term provided in this act, the property leased under the authority provided herein shall revert to the University of Mississippi Medical Center.

"(3) The lease of the real property described in subsection (1) of this section shall consist of an American Cancer Society Hope Lodge and an associated office building, which, at a minimum contain:

"(a) Approximately eight thousand (8,000) square feet of office space;

"(b) Approximately twenty-four thousand (24,000) square feet of lodging space containing approximately thirty-five (35) temporary residential units;

"(c) Surface parking; and

"(d) Landscaping and green space buffers.

"(4) The lease and any amendments to the lease shall be subject to the approval of the Board of Trustees of State Institutions of Higher Learning.

"(5) All proceeds derived or received from all leases entered into under this section shall be deposited in a special fund for the use and benefit of the University of Mississippi Medical Center.

"(6) The State of Mississippi shall retain all mineral rights to the real property leased under this section."

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Sec.

37-115-43. Authority to create Center of Excellence; purpose; programs, services, major research initiatives; Children's Safe Center Fund created.

37-115-48. Authorization to disinter, remove or reinter human remains reposing in potter's field on Medical Center property to a different location on the property under certain circumstances; procedure.

§ 37-115-43. Authority to create Center of Excellence; purpose; programs, services, major research initiatives; Children's Safe Center Fund created.

(1) The University of Mississippi Medical Center, in collaboration with the Mississippi Department of Human Services and the Office of the Attorney

General, is authorized and empowered to establish a Center of Excellence (Center), to provide care for abused and neglected children at the Blair E. Batson Hospital for Children located in Jackson, Mississippi, where suspected victims of child maltreatment referred by the Department of Human Services or law enforcement will receive comprehensive physical examinations conducted by medical professionals who specialize in child maltreatment. The University of Mississippi Medical Center shall promulgate such policies as may be necessary and desirable to carry out the programs of the Center. The Center shall serve as a resource for the assessment, investigation and prosecution of child maltreatment. The Center shall work in collaboration with the Office of the Attorney General, the Mississippi Department of Human Services and other such state agencies and entities that provide services to children, to ensure that CARE Clinic services are provided in a uniform fashion throughout the state.

(2) The Department of Pediatrics may use the Center for educational and outreach programs, telemedicine consultations, to develop satellite clinics in other locations in the state in cooperation with the local community or private hospital when applicable, and to conduct major research initiatives in child maltreatment.

(3) The Center of Excellence shall provide services to maltreated children and comply with national certification standards as necessary to provide services to the Department of Human Services, the youth courts, state child advocacy centers, district attorney's offices and law enforcement agencies.

(4) There is created in the State Treasury a special fund to be known as the Children's Safe Center Fund. The University of Mississippi Medical Center shall expend funds pursuant to appropriation therefor by the Legislature for the support and maintenance of the Children's Safe Center. The University of Mississippi Medical Center is authorized to accept any and all grants, donations or matching funds from private, public or federal sources in order to add to, improve and enlarge the physical facilities of the Center and to expend any such funds for the support and maintenance of the Center. Assessments from Section 99-19-73 designated for the Children's Safe Center Fund shall be deposited into the fund. Monies remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned from the investment of monies in the fund shall be deposited to the credit of the fund.

HISTORY: Laws, 2007, ch. 561, § 1; Laws, 2008, ch. 413, § 1; Laws, 2008, ch. 499, § 1; Laws, 2010, ch. 498, § 1; Laws, 2012, ch. 554, § 5; Laws, 2015, ch. 465, § 1, eff from and after July 1, 2015.

Amendment Notes — The 2015 amendment substituted "Children's Safe Center Fund" for "Children's Justice Center Fund" throughout (4); and made minor stylistic changes.

§ 37-115-48. Authorization to disinter, remove or reinter human remains reposing in potter's field on Medical Center property to a different location on the property under certain circumstances; procedure.

(1) The University of Mississippi Medical Center is authorized, in its discretion, to rearrange or disinter, remove or reinter, where applicable, human remains reposing in the potter's field located on the University of Mississippi Medical Center's property to a different location on the medical center's property when the disinterment, removal or reinterment, where applicable, is necessary for proper and efficient maintenance and management.

(2) Markers, headstones, or other identification shall accompany the remains whenever identification exists, and a record of the removal and reinterment, where applicable, shall be maintained in the files of the Chancery Clerk of Hinds County, Mississippi.

(3) Before taking any action authorized under this section, the University of Mississippi Medical Center shall first advertise its intent to rearrange, disinter, remove or reinter, where applicable, remains from the property by publishing notice in a newspaper of the county once a week for three (3) consecutive weeks.

(4) The University of Mississippi Medical Center and its officers and employees shall be immune from any action or suit arising from the maintenance or attempted maintenance of the potter's field and the rearrangement, removal or reinterment, where applicable, of remains, when performed in good faith under authority of this section.

HISTORY: Laws, 2018, ch. 426, § 1, eff from and after passage (approved March 27, 2018).

Editor's Notes — Laws of 2018, ch. 426, § 2, effective March 27, 2018, provides:
"SECTION 2. Section 2, Chapter 846, Local and Private Laws of 1973, as amended by Chapter 854, Laws of 1974, which authorizes the University of Mississippi Medical Center to take certain actions regarding human remains in the potter's field on its property, is repealed."

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER; JOINT-PURCHASING ARRANGEMENTS, JOINT VENTURES, JOINT-OPERATING AGREEMENTS, ETC.

Sec.
37-115-50. Definitions.
37-115-50.1. University of Mississippi Medical Center authorized to enter into certain joint-purchasing arrangements, joint ventures, joint-operating agreements, etc.

§ 37-115-50. Definitions.

For purposes of Sections 37-115-50 and 37-115-50.1, the following terms shall have the following meanings:

(a) "Academic medical center" means the teaching, research, and clinical facilities and services provided, established, or operated by a public university under Chapter 115, Title 37, Mississippi Code of 1972.

(b) "Health sciences school" means any school of medicine, dentistry, nursing, pharmacy and any other health care-related educational program operated or provided by an academic medical center in this state.

HISTORY: Laws, 2017, ch. 398, § 1, eff from and after July 1, 2017.

Editor's Notes — Laws of 2017, ch. 398, § 6, provides:
"SECTION 6. The provisions of this act are severable. If any part is declared invalid or unconstitutional, that declaration shall not affect the part which remains."

§ 37-115-50.1. University of Mississippi Medical Center authorized to enter into certain joint-purchasing arrangements, joint ventures, joint-operating agreements, etc.

Subject to the approval of the Board of Trustees of State Institutions of Higher Learning, the University of Mississippi Medical Center (hereafter known as the "academic medical center") is authorized to directly or indirectly enter into joint-purchasing arrangements, however structured, on terms customary in the market or required by the organization and to enter into joint ventures, joint-operating agreements, or similar arrangements with community hospitals or other public or private health-related organizations, or with for-profit or nonprofit corporations or other organizations, to establish arrangements for the academic medical center to participate in financial integration and/or clinical integration or clinically integrated networks with a joint venture, with community hospitals or other public or private health-related organizations, or with other for-profit or nonprofit corporations or other organizations, or through a joint-operating agreement, and to provide for contracts of employment or contracts for services and ownership of property on terms that will protect the public interest.

HISTORY: Laws, 2017, ch. 398, § 2, eff from and after July 1, 2017.

Editor's Notes — Laws of 2017, ch. 398, § 6, provides:
"SECTION 6. The provisions of this act are severable. If any part is declared invalid or unconstitutional, that declaration shall not affect the part which remains."

CHAPTER 119.

UNIVERSITY OF SOUTHERN MISSISSIPPI

§ 37-119-1. Organization.

Editor's Notes — Laws of 2014, ch. 415, § 2, as amended by Laws of 2016, ch. 445, § 2 provides:
"SECTION 2. (1) The Department of Finance and Administration, acting on behalf of

the University of Southern Mississippi and with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to sell and convey or lease parcels of certain state-owned real property and any improvements thereon under the possession and control of the University of Southern Mississippi, located in the City of Hattiesburg, Forrest County, Mississippi, and more particularly described as follows:

[For the amended description of the property, see Section 2 of Chapter 445, Laws of 2016.]

"(2)(a) If sold, the real property described in subsection (1) of this section and any improvements thereon shall be sold for not less than the current fair market value as determined by the averaging of at least two (2) appraisals by qualified appraisers, one (1) of whom shall be selected by the Department of Finance and Administration, and both of whom shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

"(b) If the real property described in subsection (1) of this section is leased, the University of Southern Mississippi, with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to negotiate all aspects of any lease and any terms and ancillary agreements pertaining to any lease as may be reasonably necessary to effectuate the intent and purposes of this section and to ensure a fair and equitable return to the state. Any lease approved and entered into on the university's behalf shall not be cancelled by successor boards based on the binding successor doctrine.

"(3) The property described in subsection (1) of this section shall be sold or leased to result in the highest and best use of the property and to ensure that the property is used in a manner that will not interfere with the operation of the University of Southern Mississippi.

"(4) The State of Mississippi shall retain all mineral rights to the real property sold or leased under this section.

"(5) The Department of Finance and Administration may recover its costs associated with the transaction authorized by this section from the proceeds of the sale or lease of the real property described in subsection (1) of this section and the net proceeds of the sale or lease shall be deposited into a special fund in the State Treasury and shall be expended only for the benefit of the University of Southern Mississippi.

"(6) The Department of Finance and Administration is authorized to correct any discrepancies in the property descriptions provided in this section."

Laws of 2016, ch. 445, § 1, provides:

"SECTION 1. (1) The Department of Finance and Administration, in consultation with the Board of Trustees of State Institutions of Higher Learning, is authorized to sell and convey or lease all or portions of the parcels of certain state-owned real property and any improvements thereon under the possession and control of the University of Southern Mississippi, located in Forrest County, Mississippi, and more particularly described as follows:

[For a complete description of the property, see Section 1 of Chapter 445, Laws of 2016]

"(2)(a) If sold, the real property described in subsection (1) of this section and any improvements thereon shall be sold for not less than the current fair market value as determined by the averaging of at least two (2) appraisals by qualified appraisers, one (1) of which who shall be selected by the Department of Finance and Administration, and both of which shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

"(b) If the real property described in subsection (1) of this section is leased, the University of Southern Mississippi, with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to negotiate all aspects of any lease and any terms and ancillary agreements pertaining to any lease as may be reasonably necessary to effectuate the intent and purposes of this section and to ensure a fair and equitable return to the state. Any lease approved and entered into on the University's behalf shall not exceed a term of forty (40) years and shall not be cancelled by successor

boards based on the binding successor doctrine.

"(3) The property described in subsection (1) of this section shall be sold or leased only if such action is consistent with the university's goals of research, innovation and commercialization, and only to result in the highest and best use of the property and to ensure that the property is used in a manner that will not interfere with the operation of the University of Southern Mississippi.

"(4) The State of Mississippi shall retain all mineral rights to the real property sold or leased under this section.

"(5) The Department of Finance and Administration may correct any discrepancies in the legal description of the property provided in this section.

"(6) The Department of Finance and Administration may recover its costs associated with the transaction authorized by this section from the proceeds of the sale or lease of the real property described in subsection (1) of this section, and the net proceeds of the sale or lease shall be deposited into a special fund in the State Treasury and shall be expended only for the benefit of the University of Southern Mississippi."

Laws of 2018, ch. 349, § 1, effective July 1, 2018, provides:

"SECTION 1. (1) The Department of Finance and Administration, in consultation with the Board of Trustees of State Institutions of Higher Learning, is authorized to sell and convey or lease all or portions of a parcel of certain state—owned real property and any improvements thereon under the possession and control of the University of Southern Mississippi, located in Lamar County, Mississippi, and more particularly described as follows:

[For a complete description of the property, see Section 1 of Chapter 349, Laws of 2018]

"(2)(a) If sold, the real property described in subsection (1) of this section and any improvements thereon shall be sold for not less than the current fair market value as determined by the averaging of at least two (2) appraisals by qualified appraisers, one (1) of whom who shall be selected by the Department of Finance and Administration, and both of whom shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

"(b) If the real property described in subsection (1) of this section is leased, the University of Southern Mississippi, with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to negotiate all aspects of any lease and any terms and ancillary agreements pertaining to any lease as may be reasonably necessary to effectuate the intent and purposes of this section and to ensure a fair and equitable return to the state. Any lease approved and entered into on the University's behalf shall not exceed a term of forty (40) years and shall not be cancelled by successor boards based on the binding successor doctrine.

"(3) The State of Mississippi shall retain all mineral rights to the real property sold or leased under this section.

"(4) The Department of Finance and Administration is authorized to correct any discrepancies in the legal description of the property provided in this section.

"(5) The Department of Finance and Administration may recover its costs associated with the transaction authorized by this section from the proceeds of the sale or lease of the real property described in subsection (1) of this section, and the net proceeds of the sale or lease shall be deposited into a special fund in the State Treasury and shall be expended only for the benefit of the University of Southern Mississippi."

CHAPTER 121.

ALCORN STATE UNIVERSITY

Sec.

37-121-19. University lands shall not be taxed.

§ 37-121-19. University lands shall not be taxed.

The lands and property of Alcorn State University shall not be subject to state, county or municipal taxation. The buildings and improvements that are or may be erected on any land belonging to the university that has been or may be leased to private entities for the purpose of affording affordable board to the students attending the institution shall not be subject to taxation.

HISTORY: Laws, 2018, ch. 386, § 1, eff from and after passage (approved March 19, 2018).

CHAPTER 123.

DELTA STATE UNIVERSITY

§ 37-123-1. Organization.

Editor's Notes — Laws of 2017, ch. 375, § 1, effective March 21, 2017, provides:

"(1) Delta State University, with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to enter into an agreement, or agreements, to lease a part of its real property to an entity, or entities, selected in an RFP process conducted by Delta State University for a term of no more than forty (40) years. The property is located in the City of Cleveland, Bolivar County, Mississippi, and is more particularly described as follows:

"55 acres that is currently improved with a 9-hole golf course property known as Derrall Foreman Golf Course. It is located on the Delta State University Campus at 1003 West Sunflower Road, Cleveland, Bolivar County, Mississippi. It is identified by the Bolivar County Courthouse as follows, Part of SE ¼, Section 17, Township 22, Range 5, Cleveland, Bolivar County, Mississippi.

"(2) The lease may include one (1) option to renew for a renewal period not to exceed ten (10) years, with the option to renew being in the sole discretion of the lessor.

"(3) The lease of the real property described in subsection of this section shall consist of mixed-use development improvements, which may contain:

"(a) A multipurpose conference center;

"(b) A hotel, lodging or other commercial accommodation;

"(c) Residential houses/apartment homes. The faculty, staff and student body of Delta State University shall have the right of first offer for the residential houses/apartment homes developed within the leased area before being made available to the public;

"(d) Surface parking;

"(e) Landscaping and green space buffers;

"(f) An executive par-three golf course; and

"(g) A walking/fitness trail.

"(4) The lease and any amendments to the lease of all or any portion of the real property authorized for lease under subsection (1) of this section shall be subject to the approval of the Board of Trustees of State Institutions of Higher Learning. The approved lease and any amendments to the lease shall not be cancelled by successor boards based on the binding successor doctrine.

"(5) All proceeds derived or received from all leases entered into under this section shall be deposited in a special fund for the use and benefit of Delta State University.

"(6) If all or any portion of the property described in subsection (1) of this section is leased, Delta State University, with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to negotiate all aspects of any lease and any terms of ancillary agreements pertaining to any lease as may be reasonably necessary to effectuate the intent and purposes of this section and to ensure a fair and

equitable return to the state.

"(7) At the end of the lease term provided in this act, the property leased under the authority provided herein shall revert to Delta State University.

"(8) The State of Mississippi shall retain all mineral rights in the real property leased under this section.

"(9) The Department of Finance and Administration is authorized to correct any discrepancies in the property described in this section."

Laws of 2018, ch. 307, § 1, effective March 5, 2018, provides:

"SECTION 1. (1) The Department of Finance and Administration, acting on behalf of the Board of Trustees of State Institutions of Higher Learning and Delta State University, is authorized to donate, transfer and convey for no consideration to the Board of Trustees of Coahoma Community College, for the use and benefit of the Coahoma County Higher Education Center, certain real property known as the "Cutrer Mansion lot," "St. Elizabeth School lot," and "St. Elizabeth Gymnasium lot." The real property is located in Coahoma County, Mississippi and is more particularly described as follows:

[For a complete description of the property, see Section 1 of Chapter 307, Laws of 2018]

"(2) The Board of Trustees of Coahoma Community College shall be responsible for the management and upkeep of the property described in subsection (1), as well as any facilities thereon and any improvements that may be constructed on the site.

"(3) The Department of Finance and Administration, acting on behalf of the Board of Trustees of State Institutions of Higher Learning, is authorized to convey the property described in subsection (1) subject to the following conditions:

"(a) That the property shall be used for the purposes of providing higher education, workforce training, and/or other continuing education opportunities to the public. The Board of Trustees of Coahoma Community College shall ensure that the Coahoma County Higher Education Center carries out these purposes;

"(b) That the property shall revert to the Department of Finance and Administration in the event that the Board of Trustees of Coahoma Community College should operate the Coahoma County Higher Education Center contrary to the purposes set forth in paragraph (a) of this subsection; and

"(c) That the property shall revert to the Department of Finance and Administration in the event that the Board of Trustees of Coahoma Community College abandons or attempts to sell or transfer all or a portion of such property to another entity.

"(4) The Department of Finance and Administration shall have the authority to correct any discrepancies in the property descriptions provided in subsection one (1) of this section.

"(5) The State of Mississippi shall retain all mineral rights to the real property conveyed and transferred under this section."

CHAPTER 125.

JACKSON STATE UNIVERSITY

§ 37-125-1. Creation.

Editor's Notes — Laws of 2016, ch. 475, § 1 provides:

"SECTION 1. (1) Jackson State University, with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to enter into a ground lease, management and maintenance agreement, and an agreement to lease or sell part of its real property with a private entity, its successors and assigns selected in the Invitation to Negotiate process conducted by Jackson State University related to the ownership, leasing, renovating, development, construction, furnishing, maintenance and equipping

of facilities by the private entity for the housing of Jackson State University students, faculty, staff and visitors within such facilities located within and outside the campus of Jackson State University in the City of Jackson, Hinds County, Mississippi. Any ground lease, management and maintenance agreement or lease agreement authorized under this subsection shall not exceed a term of forty (40) years. The properties that shall be subject to an agreement authorized under this subsection are the 'Stewart Hall Building,' 'University Pointe Building' and facilities to be constructed on the property that is more particularly described as follows:

[For a complete description of the property, see Section 1, Chapter 475, Laws of 2016]

"(2)(a) The Department of Finance and Administration (DFA), acting on behalf of the Board of Trustees of State Institutions of Higher Learning, is authorized to sell and convey certain state-owned real property and any improvements thereon under the possession and control of Jackson State University, located in Jackson, Hinds County, Mississippi, and more particularly described as follows:

[For a complete description of the property, see Section 1, Chapter 475, Laws of 2016]

"(b) Jackson State University, with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to enter into a management and maintenance agreement for a term of up to forty (40) years with the entity to whom DFA sells the property described in paragraph (a) of this subsection regarding the management and maintenance of the student housing facility built by the private entity on the property.

"(3)(a) The Jackson State University Educational Building Corporation ("JSUEBC"), with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to sell certain real property to the private entity selected in the Jackson State University Invitation to Negotiate process described in subsection (1) of this section. The property is located in the City of Jackson, Hinds County, Mississippi, and is more particularly described as follows:

[For a complete description of the property, see Section 1, Chapter 475, Laws of 2016]

"(b) Jackson State University, with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to enter into a management and maintenance agreement for a term of up to forty (40) years with the private entity regarding the management and maintenance of the student housing facility built by the private entity on the property described in paragraph (a) of this subsection.

"(4) The real property described in subsections (1) through (3) of this section shall not be sold for less than the current fair market value as determined by the averaging of at least two (2) appraisals by qualified appraisers, one (1) of which shall be selected by the Department of Finance and Administration, and both of which shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

"(5) Jackson State University is authorized to enter into a ground lease and a management and maintenance agreement with a private entity, its successors and assigns for an initial term of up to forty (40) years to lease the property on which the buildings designated as the 'Stewart Hall Building' and the 'University Pointe Building' are located, together with appurtenances thereto for the purpose of the private entity's renovation, furnishing, maintenance and equipping of those buildings. The 'Stewart Hall Building' and the 'University Pointe Building' are located on the campus of Jackson State University in the City of Jackson, Hinds County, Mississippi.

"(6) Any lease agreement, management and maintenance agreement and ground lease authorized in subsections (1) through (5) of this section and any amendments to the same shall be subject to approval by the Board of Trustees of State Institutions of Higher Learning. An approved lease agreement, management and maintenance agreement and ground lease and any amendments to the same shall not be voidable by successor Boards of Trustees of State Institutions of Higher Learning based on the binding successor doctrine.

"(7) The ownership of all property and any improvements and/or facilities thereon, which are the subject of any management and maintenance agreement, lease agree-

ment or other type of contract authorized in this section, if not already owned by Jackson State University, shall be transferred without cost to Jackson State University from the private entity at the conclusion of such management and maintenance agreement, lease agreement or other contract.

"(8) The State of Mississippi shall retain all mineral rights to the real property leased and/or sold under this section.

"(9) The Department of Finance and Administration is authorized to correct any discrepancies in the property descriptions provided in this section."

Laws of 2019, ch. 446, § 1, provides:

"SECTION 1. (1) Jackson State University ("the university"), with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to sell, transfer, convey and dispose of certain parcels of certain tax-forfeited real property and any improvements thereon that are in the possession and control of the university, when the property has ceased to be used for educational purposes, in accordance with the provisions of this section. The real property is located in the City of Jackson, Hinds County, Mississippi, and is more particularly described as follows:

[For complete property description, see Section 1 of Chapter 446, Laws of 2019.]

"(2) For purposes of this section, 'homeowner' means a residential occupant of a property who also holds an ownership interest in the property. A person who owns an interest in a property but who does not reside on the property shall not be considered a homeowner. The university is authorized to sell, transfer and convey the property described in subsection (1) of this section to certain homeowners and entities according to the procedures set forth in this section. The property may be sold without appraisal and without consideration.

"(3) The university may designate the manner by which the offers to purchase property will be received, including, but not limited to, offers sealed in an envelope, offers made electronically or offers made by any other method that encourages community homeowners to purchase the property.

"(4) The right of first refusal for the purchase of the property described in subsection (1) shall be given to persons as follows:

"(a)(i) An adjacent homeowner sharing a common boundary with the subject parcel; or

"(ii) An adjacent homeowner who agrees to combine the parcel where applicable.

"(b) If no adjacent homeowner submits an offer to purchase, or if there is no adjacent homeowner, then any homeowner residing on the same street or block or in the same twenty-five one hundredths (0.25) square mile neighborhood as the subject parcel.

"(c) The right of first refusal provided for in subsection (4) shall expire thirty (30) days after the effective date of this act. If none of the persons listed in paragraphs (a) and (b) of this subsection purchases the subject parcel within thirty (30) days, then the university shall transfer the parcel as provided in subsection (5) of this section. No official or employee of the university shall derive any personal economic benefit from the sale, transfer or conveyance of property under this section.

"(5) The properties described in subsection (1) of this section and any improvements thereon that are not purchased under the provisions of subsection (4) of this section shall be transferred and conveyed by the university, with the prior approval of the Board of Trustees of State Institutions of Higher Learning, to a community development corporation (CDC) that is a nonprofit corporation exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code and that serves as an entity for the revitalization of the community surrounding the university. After the university and the board of trustees have reviewed and determined that the CDC meets all requirements of law for organization and operation, the university shall transfer the described properties to the CDC by deed or other instrument of conveyance and the CDC shall take possession of the properties within thirty (30) days after receipt of the deeds or instruments of conveyance. The property may be transferred without appraisal and without consideration.

"(6) The CDC to which the described properties have been transferred may sell any

portion or all of the properties, and the CDC may designate the manner by which the offers to purchase property will be received, including, but not limited to, offers sealed in an envelope, offers made electronically or offers made by any other method.

"(7) The CDC shall first advertise notice of its intent to sell any portion or all of the properties for three (3) consecutive weeks by:

"(a) Posting notices at three (3) or more public places located in the City of Jackson, Mississippi; and

"(b) Publishing notices in a newspaper published in the county or some paper having a general circulation in the county.

"(8) The CDC shall transfer fifty percent (50%) of the net proceeds received from the sale of the properties to the Department of Finance and Administration for deposit into a special fund that is created in the State Treasury to be known as the "Jackson State University Surplus Properties Fund." Monies in the fund shall be expended only for purposes approved by the Board of Trustees of State Institutions of Higher Learning that are for the benefit of Jackson State University.

"(9) The State of Mississippi shall retain all mineral rights to all the real property sold under this section, together with the right of ingress and egress to remove the same.

"(10) Any of the properties described in subsection (1) of this section that are not sold under the provisions of this section by December 31, 2019, shall revert to the possession and control of the university on January 1, 2020.

"(11) This section shall stand repealed on July 1, 2029."

CHAPTER 135.

COMPACTS WITH OTHER STATES

In General. 37-135-1
Compact for Education. 37-135-11

IN GENERAL

§ 37-135-1. Compact for the operation of regional educational institutions in the southern states.

HISTORY: Codes, 1942, § 6800.5; Laws, 1948, ch. 284; Laws, 1950, ch. 383, §§ 1-10; Laws, 2005, ch. 428, § 1; Laws, 2005, ch. 510, § 1; brought forward without change, Laws, 2016, ch. 390, § 2, eff from and after July 1, 2016.

Editor's Notes — This section was brought forward without change by Laws of 2016, ch. 390, § 2, effective from and after July 1, 2016. Since the language of the section as it appears in the main volume is unaffected by the bringing forward of the section, it is not printed in this supplement.

Amendment Notes — The 2016 amendment brought the section forward without change.

COMPACT FOR EDUCATION

Sec.

37-135-11. Compact for education.
37-135-13. Filing of copies of bylaws and amendments.
37-135-15. Creation of Mississippi Education Council.

§ 37-135-11. Compact for education.

COMPACT FOR EDUCATION

The Compact for Education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

ARTICLE I
PURPOSE AND POLICY

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearinghouse of information on matters relating to education problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local education systems so that all of them will be able to meet adequate and desirable goals in a society that requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of education systems and institutions in a manner that will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own education systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

ARTICLE II
STATE DEFINED

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

ARTICLE III
THE COMMISSION

A. The Education Commission of the States, hereinafter called "the commission," is hereby established. The commission shall consist of seven (7) members representing each party state. One (1) of such members shall be the Governor of Mississippi; One (1) shall be the Commissioner of Higher Education for the State of Mississippi, or his designee; one (1) shall be the State Superintendent of Public Education, or his designee; and four (4) shall be members of the Mississippi State Legislature, consisting of the Chairman of the Education Committee of the Senate, and the Chairman of the Education Committee of the House of Representatives, the Chairman of the Universities and Colleges Committee of the Senate and the Chairman of the Universities and Colleges Committee of the House of Representatives. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations, be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one (1) shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten (10) nonvoting commissioners selected by the steering committee for terms of one (1) year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the commission shall be entitled to one (1) vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III(J).

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members, a chairman, who shall be a governor; a vice chairman; and a treasurer. The commission shall provide for the appointment of an executive director. The executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may

deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, subject to the approval of the steering committee, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States or any subdivision or agency of the aforementioned governments, or from any agency of two (2) or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States or any other governmental agency, or from any person, firm, association, foundation or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph F of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

ARTICLE IV
POWERS

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

A. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

B. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization,

administration and instructional methods and standards employed or suitable for employment in public education systems.

C. Develop proposals for adequate financing of education as a whole and at each of its many levels.

D. Conduct or participate in research of the types referred to in this Article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, using fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

E. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

F. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

ARTICLE V
COOPERATION WITH FEDERAL GOVERNMENT

A. If the laws of the United States specifically so provide, or if administrative provision is made therefore within the federal government, the United States may be represented on the commission by no more than ten (10) representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common education policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE VI
COMMITTEES

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two (32) members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth (¼) of the voting membership of the steering committee shall consist of governors, one-fourth (¼) shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting

members of the steering committee shall serve for terms of two (2) years, except that members elected to the first steering committee of the commission shall be elected as follows: sixteen (16) for one (1) year and sixteen (16) for two (2) years. The chairman, vice chairman and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two (2) terms as a member of the steering committee, provided that service for a partial term of one (1) year or less shall not be counted toward the two-term limitation.

B. The commission may establish advisory and technical committees composed of state, local and federal officials, and private persons to advise it with respect to any one (1) or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two (2) or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

ARTICLE VII
FINANCE

A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per-capita income levels of the party states.

C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations, in whole or in part, with funds available to it pursuant to Article III(G) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met, in whole or in part, in such manner. Except where the commission makes funds available to it pursuant to Article III(G) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the

audit shall be included in and become part of the annual reports of the commission.

E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE VIII
ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL

A. This compact shall have as eligible parties all states, territories and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor," as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact, and it shall become binding thereon when it has adopted the same, provided that in order to enter into initial effect, adoption by at least ten (10) eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

D. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one (1) year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE IX
AMENDMENTS TO THE COMPACT

This compact may be amended by a vote of two-thirds (⅔) of the members of the commission present and voting when ratified by the legislatures of two-thirds (⅔) of the party states.

ARTICLE X
CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any

phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

HISTORY: Laws, 2015, ch. 343, § 1, eff from and after July 1, 2015.

Editor's Notes — A former § 37-135-11 (Laws, 1979, ch. 394, § 1; Laws, 1986, ch. 382; Laws, 1990, ch. 397, § 1; Laws, 1992, ch. 396 § 4, effective from and after passage (approved April 27, 1992); Repealed by Laws, 2013, ch. 417, § 1, eff from and after passage (approved March 20, 2013)) also enacted the Compact for Education, which was nearly identical to the Compact for Education enacted by Section 1 of Chapter 343, Laws of 2015.

Comparable Laws from other States — Alabama: Code of Ala. §§ 16-44-1 — 16-44-3.
Alaska: Alaska Stat. §§ 14.44.050 — 14.44.060.
Arizona: A.R.S. § 15-1901.
California: Cal Ed Code §§ 12510 - 12515.5.
Colorado: C.R.S. 24-60-1201 - 24-60-1204.
Connecticut: Conn. Stat. Ann. §§ 10-374 — 10-376.
Delaware: 14 Del. C. § 8201.
District of Columbia: D.C. Code §§ 38-3001 — 38-3004.
Florida: Fla. Stat. § 1000.34.
Georgia: O.C.G.A. §§ 20-6-20 — 20-6-24.
Hawaii: HRS §§ 311-1 — 311-6.
Idaho: Idaho Code § 33-4101.
Illinois: 45 ILCS 90/0.01 — 90/4.
Indiana: Burns Ind. Code Ann. §§ 20-38-2-1 — 20-38-2-5.
Iowa: Iowa Code § 272B.1 - 272B.3
Kansas: K.S.A. § 72-6011 — 72-6014.
Kentucky: KRS §§ 156.710 - 156.720.
Louisiana: La. R. S. §§ 17:1911 — 17:1913.
Maryland: Md. Education Code Ann. §§ 25-101 — 25-104.
Massachusetts: ALM Spec. L. Ch. S99, §§ 1 — 3.
Michigan: MCLS §§ 388.1301 — 388.1304.
Minnesota: Minn. Stat. §§ 127A.80, 127A.81.
Missouri: §§ 173.300 - 173.330 R.S.Mo.
Montana: Mont. Code Anno. §§ 20-2-501 — 20-2-505.
Nebraska: R.R.S. Neb. §§ 79-1501 — 79-1504.
Nevada: Nev. Rev. Stat. Ann. § 399.015.
New Hampshire: 15 RSA §§ 200-G:1 — 200-G:3.
New Jersey: N.J. Stat. §§ 18A:75-1 — 18A:75-12, 18A:76-1 — 18A:76-4.
New Mexico: N.M. Stat. Ann. §§ 11-8-1 — 11-8-11.
New York: NY CLS Educ § 107.
North Carolina: N.C. Gen. Stat. § 115C-104.
North Dakota: N.D. Cent. Code, §§ 15.1-04-01, 15.1-04-02.
Ohio: ORC Ann. 3301.48 - 3301.51 (Anderson).
Oklahoma: 70 Okl. St. §§ 506.1, 506.3.
Pennsylvania: 24 P.S. § 5401 - 5403.
South Carolina: S.C. Code Ann. §§ 59-11-10 — 59-11-30.

Tennessee: Tenn. Code Ann. §§ 49-12-201, 49-12-203.
Texas: Tex. Educ. Code §§ 161.01 — 161.04.
Virgin Islands: 17 V.I.C. §§ 551 — 559.
Virginia: Va. Code Ann. §§ 22.1-336 - 22.1-338.
West Virginia: W. Va. Code §§ 18-10D-1 — 18-10D-7.
Wisconsin: Wis. Stat. § 39.75.
Wyoming: Wyo. Stat. §§ 21-16-301, 21-16-302.

§ 37-135-13. Filing of copies of bylaws and amendments.

Pursuant to Article III(I) of the compact, the commission shall file a copy of its bylaws and any amendments thereto with the Secretary of State of Mississippi.

HISTORY: Laws, 2015, ch. 343, § 2, eff from and after July 1, 2015.

Editor's Notes — A former § 37-135-13 (Laws, 1979, ch. 394, § 3, effective from and after July 1, 1979) also provided for the filing of copies of bylaws and amendments. Section 37-135-13 was repealed by Laws of 2013, ch. 417, § 1, effective from and after passage (approved March 20, 2013).

§ 37-135-15. Creation of Mississippi Education Council.

There is hereby established the Mississippi Education Council composed of the members of the Education Commission of the States representing the State of Mississippi, and eight (8) other persons appointed by the Governor for terms of three (3) years. Such other persons shall be selected so as to be broadly representative of professional and lay interest within this State having the responsibilities for, knowledge with respect to, and interest in educational matters. The chairman shall be designated by the Governor from among its members. The council shall meet on the call of its chairman or at the request of a majority of its members, but in any event the council shall meet not less than three (3) times in each year. The council may consider any and all matters relating to recommendations of the education commission of the states and the activities of the members in representing this State thereon.

HISTORY: Laws, 2015, ch. 343, § 3, eff from and after July 1, 2015.

Editor's Notes — A former § 37-135-15 (Laws, 1979, ch. 394, §§ 2, effective from and after July 1, 1979) also created the Mississippi Education Council. Section 37-135-15 was repealed by Laws of 2013, ch. 417, § 1, effective from and after passage (approved March 20, 2013).

CHAPTER 140.

MISSISSIPPI SCHOOL OF THE ARTS

Sec.
37-140-5. School to be governed by State Board of Education; development of plan for opening, operation and funding of school; appointment of advisory panel; transfer of school personnel from state service and authority of State Personnel Board to status as employees of the school.

Sec.
37-140-9. Promulgation of rules and regulations; emphasis of school on performing, visual, and literary arts.

§ 37-140-5. School to be governed by State Board of Education; development of plan for opening, operation and funding of school; appointment of advisory panel; transfer of school personnel from state service and authority of State Personnel Board to status as employees of the school.

(1) The school shall be governed by the State Board of Education. The board shall develop a plan relating to the opening, operation and funding of the school to be presented to the Legislature during the 2000 Regular Session. The plan shall include an equitable and reasonable plan for student recruitment without regard to race, creed or color.

(2) The State Superintendent of Public Education shall appoint an advisory panel to assist the board in developing the plan relating to the school. The advisory panel shall consist of the following twelve (12) appointed or designated members:

(a) Three (3) licensed school teachers or administrators, one (1) to be appointed from each of the three (3) Mississippi Supreme Court Districts;

(b) Three (3) citizens or professionals representing the areas of dance, creative writing, literature, music, theater arts or visual arts, one (1) to be appointed from each of the three (3) Mississippi Supreme Court Districts;

(c) Three (3) citizens knowledgeable in business, personnel management or public administration, with at least three (3) years' actual experience therein, one (1) to be appointed from each of the three (3) Mississippi Supreme Court Districts.

(d) One (1) member shall be a representative of the Mississippi Arts Commission to be designated by the commission, one (1) member shall be a representative of the Mississippi Humanities Council to be designated by the council, and one (1) member shall be a representative of the state institutions of higher learning in Mississippi which offer degrees in visual, fine and performing arts, to be designated by the Board of Trustees of State Institutions of Higher Learning.

Appointments to the advisory panel shall be made within ninety (90) days of April 23, 1999. The advisory panel shall meet upon the call of the State Superintendent of Public Education and shall organize for business by selecting a chairman and vice chairman/secretary for keeping records of the panel. Members of the advisory panel shall receive no compensation but may be reimbursed for necessary expenses and mileage for attending meetings and necessary business of the panel, in the amount authorized for state employees under Section 25-3-41.

(3) The board may utilize the staff of the State Department of Education and other state agencies as may be required for the implementation of this

chapter. The department may employ any personnel deemed necessary by the board for assisting in the development and implementation of the plan relating to the opening, operation and funding of the school. The board also may contract or enter into agreements with other agencies or private entities which it deems necessary to carry out its duties and functions relating to the opening and operation of the school.

(4) To the extent possible, the board shall enter into agreements with the Board of Trustees of the Brookhaven Municipal Separate School District for the dual enrollment of students for the purpose of teaching academic courses to students attending the school, and the local school board shall be fully authorized to offer any such courses to students attending the school. The State Board of Education may develop and issue necessary regulations for the coordination of such courses for these students, the preparation and transfer of transcripts, and the reimbursement of any costs incurred by the school district for providing such services.

(5) The board may enter into agreements with public school districts to authorize students enrolled in such school districts to participate in the fine arts programs at the school to the extent that adequate space is available. The parent or guardian of any student participating in fine arts programs at the school under this subsection shall be responsible for transporting the student to and from the school.

(6) Effective July 1, 2020, all administrative, instructional and noninstructional employees of the Mississippi School of the Arts shall be transferred from state service and the authority of the State Personnel Board to employment status as employees of the Mississippi School of the Arts. All administrative and instructional employees at the said school shall enter into written contracts of employment to indicate and cover the period for which they are respectively employed. All such contracts for administrative and instructional employees shall be exempt from the requirements of the Public Procurement Review Board for state agency employment contracts. The State Board of Education may set and determine qualifications necessary for such employees and may appoint a subcommittee of the board for the purpose of authorizing the execution of such employment contracts on a timely basis. Such administrators and employees shall be offered contracts by the Superintendent/Executive Director of the MSA and all such contracts and employment rights prescribed thereunder shall be awarded and governed in accordance with Sections 37-9-1, et seq., as applicable, and Section 37-7-307. Any and all references within Section 37-9-1 et seq., to a "local school district" shall apply to MSA and any and all references to a "local school board" shall apply to the State Board of Education's role as defined in Section 37-140-1. The MSA may renew employment or nonrenew employment with such administrative and instructional employees in accordance with the provisions of said sections relating to school district employment. Noninstructional employees of the MSA shall be full-time employees of the MSA and shall serve at the will and pleasure of the Superintendent of the MSA. All salaries and contracts shall be subject to the approval of the State Board of Education, and the MSA may

continue to use the teacher salary scale for its instructional employees which is in effect on January 1, 2019. Any unused leave accumulated at the Mississippi School of the Arts shall be transferred in accordance with the provisions of Section 37-7-307. There shall be no interruption of service with the Public Employees' Retirement System and the State and School Employees' Health Insurance Plan for administrative, instructional and noninstructional employees due to an employee's employment status under this subsection. The MSA shall not be considered a local educational agency for the same purposes and to the same extent that all other school districts in the state are deemed local educational agencies under applicable federal law. The MSA may receive donations or grants from any public or private source, including any federal funding that may be available to the schools within the MSA.

HISTORY: Laws, 1999, ch. 591, § 3, eff from and after July 1, 1999; Laws, 2019, ch. 432, § 1, eff from and after July 1, 2019; Laws, 2020, ch. 369, § 6, eff from and after July 1, 2020.

Amendment Notes — The 2019 amendment added (6).

The 2020 amendment, in (6), substituted "Effective July 1, 2020" for "From and after January 1, 2020," rewrote the fifth sentence, which read: "Such administrators and employees shall be offered contracts by the Superintendent/Executive Director of the MSA and shall have the employment rights prescribed for administrative and certificated school district employees under Sections 37-9-17, 37-9-59, 37-9-103 and 37-7-307, Mississippi Code of 1972," and added the sixth sentence.

§ 37-140-9. Promulgation of rules and regulations; emphasis of school on performing, visual, and literary arts.

The board shall be the exclusive governing body of the school and shall promulgate rules and regulations required for the administration and operation of the school, consistent with the provisions of this chapter. The emphasis of the school shall be on the education and training of students in the performing, visual and literary arts and in the humanities, but this emphasis shall not preclude the teaching of those liberal arts and science courses, math and science deemed necessary by the board to provide students with a well-rounded education.

HISTORY: Laws, 1999, ch. 591, § 5, eff from and after July 1, 1999; Laws, 2019, ch. 432, § 2, eff from and after July 1, 2019.

Amendment Notes — The 2019 amendment added "consistent with the provisions of this chapter" at the end of the first sentence.

CHAPTER 144.

MISSISSIPPI RURAL PHYSICIANS SCHOLARSHIP PROGRAM

Sec.

37-144-3. Mississippi Rural Physicians Scholarship Commission; composition; advisory committee; vacancies; meetings; compensation; program funding.

Sec.
37-144-5. Powers and duties of commission.
37-144-7. Identification and recruitment of undergraduate participants; designation of underserved or rural area; applicant qualifications; maximum number of new admissions per year; exception for certain fourth-year students desiring to practice psychiatry in rural Mississippi.

§ 37-144-3. Mississippi Rural Physicians Scholarship Commission; composition; advisory committee; vacancies; meetings; compensation; program funding.

(1) The Mississippi Rural Physicians Scholarship Program shall be administered by a commission to be known as the "Mississippi Rural Physicians Scholarship Commission." The commission shall be directed by a board composed of the following members:

(a) Two (2) generalist physicians appointed by and from the membership of the Mississippi State Medical Association, the term of which shall be three (3) years and may be reappointed for one (1) additional term;

(b) One (1) generalist physician appointed by and from the membership of each of the following organizations, the term of which shall be three (3) years and may be reappointed for one (1) additional term:

(i) Mississippi Academy of Family Physicians;

(ii) Mississippi Chapter, American College of Physicians;

(iii) Mississippi Chapter, American Academy of Pediatrics;

(iv) Mississippi Chapter, American College of OB-GYN;

(v) Mississippi Medical and Surgical Association;

(vi) Mississippi Osteopathic Association;

(c) Two (2) designees of the Dean of the University of Mississippi School of Medicine whose terms are at the discretion of the dean, at least one (1) of whom is a member of the University of Mississippi School of Medicine Admissions Committee;

(d) Two (2) medical students, one (1) of whom shall be selected yearly through a process developed by the Dean of the School of Medicine in consultation with the Chairs of the Departments of Family Medicine, Internal Medicine, OB-GYN and Pediatrics, and one (1) of whom shall be nominated for a one-year term by the Mississippi Chapter of the Student National Medical Association and approved by the Dean of the University of Mississippi School of Medicine;

(e) A member of the Board of Trustees of State Institutions of Higher Learning;

(f) The Chair of the Department of Family Medicine at the University of Mississippi School of Medicine; and

(g) A licensed psychiatrist appointed by the Mississippi Chapter of the American Psychiatric Association.

(2) The premedical advisors from the accredited four-year colleges and universities in the state and the directors or designees of the primary care generalist training programs in the State of Mississippi shall comprise an

advisory committee to the commission to assist the commission in its administration of the Mississippi Rural Physicians Scholarship Program.

(3) Vacancies on the commission must be filled in a manner consistent with the original appointments.

(4) All appointments to the commission must be made no later than September 1, 2019. After the members are appointed, the Chair of the Department of Family Medicine shall set a date for the organizational meeting that is mutually acceptable to the majority of the commission members. The organizational meeting shall be for the purposes of organizing the commission and establishing rules for transacting its business. A majority of the members of the commission shall constitute a quorum at all commission meetings. An affirmative vote of a majority of the members present and voting shall be required in the adoption of rules, reports and in any other actions taken by the commission. At the organizational meeting, the commission shall elect a chair and vice chair from the members appointed according to paragraphs (a) through (d) of subsection (1). The chair shall serve for a term of two (2) years, upon the expiration of which the vice chair shall assume the office of chair.

(5) After the organizational meeting, the commission shall hold no less than two (2) meetings annually.

(6) The commission may form an executive committee for the purpose of transacting business that must be conducted before the next regularly scheduled meeting of the commission. All actions taken by the executive committee must be ratified by the commission at its next regularly scheduled meeting.

(7) Members of the commission shall serve without compensation but may be reimbursed, subject to the availability of funding, for mileage and actual and necessary expenses incurred in attending meetings of the commission.

(8) Funding for the establishment and continued operation of the program and commission shall be appropriated out of any money in the General Fund not already appropriated to the University of Mississippi Medical Center.

HISTORY: Laws, 2007, ch. 554, § 2, eff from and after passage (approved Apr. 20, 2007); Laws, 2019, ch. 441, § 1, eff from and after July 1, 2019.

Amendment Notes — The 2019 amendment, in (1), added (g), and made related changes; and substituted "September 1, 2019" for "September 1, 2007" in the first sentence of (4).

§ 37-144-5. Powers and duties of commission.

The Mississippi Rural Physicians Scholarship Commission shall have the following powers and duties:

(a) Developing the administrative policy for the commission and the Mississippi Rural Physicians Scholarship Program;

(b) Promulgating rules and regulations, with the advice and consent of the University of Mississippi Medical Center, pertaining to the implementation and operation of the Rural Physicians Scholarship Program;

(c) Developing and implementing strategies and activities for the identification and recruitment of students and for marketing the program and for

the implementation of the program. In developing these strategies, the board shall seek the input of various organizations and entities, including the Mississippi State Medical Association, the Mississippi Academy of Family Physicians, the Mississippi Chapters of the American College of Physicians, the American Academy of Pediatrics, the American College of OB-GYN, the Mississippi Medical and Surgical Association, the Mississippi Osteopathic Medicine Association and the American Psychiatric Association;

(d) Establishing a budget, with the advice and consent of the University of Mississippi Medical Center, to support the activities of the program and periodically reviewing and if appropriate, revising, the scholarship and other stipends offered through the program;

(e) Advising the University of Mississippi Medical Center regarding hiring an executive director and support staff necessary for the commission's work. The commission shall nominate at least two (2) individuals to serve as executive director;

(f) Reviewing participants progress in the program and mentoring students and physicians participating in the program;

(g) Developing and participating in programs that provide initial practice support in collaboration with other interested professional organizations;

(h) The commission shall have the authority through use of generally applicable definitions, to designate an area of the state as underserved or rural. The method by which these designations shall be made shall be contained in rules and regulations promulgated by the commission.

HISTORY: Laws, 2007, ch. 554, § 3, eff from and after passage (approved Apr. 20, 2007); Laws, 2019, ch. 441, § 2, eff from and after July 1, 2019.

Amendment Notes — The 2019 amendment added "and the American Psychiatric Association" at the end of (c), and made a related change.

§ 37-144-7. Identification and recruitment of undergraduate participants; designation of underserved or rural area; applicant qualifications; maximum number of new admissions per year; exception for certain fourth-year students desiring to practice psychiatry in rural Mississippi.

(1) The commission shall develop and implement policies and procedures designed to recruit, identify and enroll undergraduate students who demonstrate necessary interest, commitment, aptitude and academic achievement to pursue careers as family physicians or other generalist physicians in rural or medically underserved areas of Mississippi, and to develop and implement the programs designed to foster successful entry of participants into medical school, completion of medical school, enrollment into and completion of family medicine or other generalist residency, and establishment and maintenance of a career in family medicine or other generalist specialty in a rural or underserved area of Mississippi.

(2) The commission shall have the authority through use of generally applicable definitions to designate an area of the state as underserved or rural.

(3) The commission, in conjunction with the University of Mississippi Medical Center, shall have the authority to provide students selected for scholarship funding with faculty mentors and other programs designed to enhance the students' likelihood of admission to the medical school. The commission and the University of Mississippi Medical Center will develop coursework that will provide scholarship students with the skills necessary for sustained and successful medical practice in rural Mississippi.

(4) Each applicant for admission to the program must submit an application to the commission that conforms to requirements established by the commission.

(5) In selecting participants for the program, the board may only accept an applicant if his or her academic record and other characteristics, if given consideration by the University of Mississippi School of Medicine Admissions Committee, would be considered credible and competitive.

(6) An applicant for the program may be admitted only upon a majority vote of the members of the commission.

(7) Not less than fifteen (15) students will be admitted to the Mississippi Rural Physicians Scholarship Program each year, provided that there are fifteen (15) or more qualified applicants for the program.

(8) Upon the funding of sixty-one (61) or more rural physicians scholarships by the Legislature and recognizing the importance of balancing the needs of comprehensive primary care along with a critical shortage of psychiatrists in Mississippi, the commission may grant an exception for fourth-year medical or osteopathic school (M4) students who demonstrate a desire to practice psychiatry in rural Mississippi and who use a practice model and enter the practice of medicine in a rural or underserved area in Mississippi, as defined by the commission, beginning for the M4 class of 2020.

HISTORY: Laws, 2007, ch. 554, § 4; Laws, 2013, ch. 491, § 1, eff from and after July 1, 2013; Laws, 2019, ch. 441, § 3, eff from and after July 1, 2019.

Amendment Notes — The 2019 amendment added (8).

CHAPTER 147.

MISSISSIPPI UNIVERSITY RESEARCH AUTHORITY ACT

Sec.

37-147-11. University ties with and interest in private entities; application; Authority permission.

§ 37-147-11. University ties with and interest in private entities; application; Authority permission.

(1) Notwithstanding any other provision of state law, an officer or employee of a university, except any chief executive officer, any chief financial

officer, any chief research officer or any member of the authority, may, pursuant to subsections (2) and (3) of this section, apply to the authority which, under policies, rules and regulations established by the authority, may grant permission to establish and maintain a material financial interest in a private entity which provides or receives equipment, material, supplies or services in connection with the university in order to facilitate the transfer of technological innovations from the university to commercial and industrial enterprises for economic development.

(2) To receive consideration for permission pursuant to subsection (1) of this section, the officer or employee of the university must first receive approval in writing from the chief executive officer, or his designee, of the university at which he is employed. The chief executive officer may grant approval to the officer or employee only if all the following conditions are met:

(a) The officer or employee provides a detailed description of his interest in the private entity to the chief executive officer;

(b) The nature of the undertaking or enterprise is fully described to the chief executive officer;

(c) The officer or employee demonstrates to the satisfaction of the chief executive officer that the proposed undertaking may benefit the economy of this state;

(d) The officer or employee demonstrates to the satisfaction of the chief executive officer that the proposed undertaking will not adversely affect research, public service or instructional activities at the university; and

(e) The officer's or employee's interests in the private entity, or benefit from the interest, will not adversely affect any substantial state interest.

(3) The authority may authorize an officer or employee of a university to establish and maintain a material financial interest in a private entity if all of the following conditions are met:

(a) The application as set forth in subsection (2) of this section is approved by the chief executive officer of the university at which the applying officer or employee is employed;

(b) The authority enters such application upon its minutes and reaches positive findings:

(i) That the application contains an adequately detailed description of the officer's or employee's interest in the private entity;

(ii) That the application contains a detailed description of the proposed undertaking or enterprise that is sufficient;

(iii) That the authority is satisfied that the proposed undertaking will benefit the economy of the state;

(iv) That the authority is satisfied that the proposed venture will not adversely affect research, public service or instructional activities at the university; and

(v) That the officer's or employee's interests in the private entity, or benefit from the interest, will not adversely affect any substantial state interest.

(4) On the recommendation of the authority, the chief executive officer of the university at which the officer or employee is employed may require that

the university or the university's research corporation have a share in any royalties or shares or other proceeds or equity positions from the proposed undertaking of the private entity.

(5) The authority may establish policies, rules and regulations for the implementation of this section.

HISTORY: Laws, 1992, ch. 530, § 6; Laws, 2015, ch. 302, § 1, eff from and after July 1, 2015.

Amendment Notes — The 2015 amendment substituted "transfer of technological innovations" for "transfer of technology developed by the officer or employee of the university" in (1); and made minor stylistic changes.

CHAPTER 151.

MISSISSIPPI ACCOUNTABILITY AND ADEQUATE EDUCATION PROGRAM ACT OF 1997

In General. 37-151-1

IN GENERAL

Sec.
37-151-5. Definitions.

§ 37-151-5. Definitions.

As used in Sections 37-151-5 and 37-151-7:

(a) "Adequate program" or "adequate education program" or "Mississippi Adequate Education Program (MAEP)" shall mean the program to establish adequate current operation funding levels necessary for the programs of such school district to meet at least a successful Level III rating of the accreditation system as established by the State Board of Education using current statistically relevant state assessment data.

(b) "Educational programs or elements of programs not included in the adequate education program calculations, but which may be included in appropriations and transfers to school districts" shall mean:

(i) "Capital outlay" shall mean those funds used for the constructing, improving, equipping, renovating or major repairing of school buildings or other school facilities, or the cost of acquisition of land whereon to construct or establish such school facilities.

(ii) "Pilot programs" shall mean programs of a pilot or experimental nature usually designed for special purposes and for a specified period of time other than those included in the adequate education program.

(iii) "Adult education" shall mean public education dealing primarily with students above eighteen (18) years of age not enrolled as full-time public school students and not classified as students of technical schools, colleges or universities of the state.

(iv) "Food service programs" shall mean those programs dealing directly with the nutritional welfare of the student, such as the school lunch and school breakfast programs.

(c) "Base student" shall mean that student classification that represents the most economically educated pupil in a school system meeting the definition of successful, as determined by the State Board of Education.

(d) "Base student cost" shall mean the funding level necessary for providing an adequate education program for one (1) base student, subject to any minimum amounts prescribed in Section 37-151-7(1).

(e) "Add-on program costs" shall mean those items which are included in the adequate education program appropriations and are outside of the program calculations:

(i) "Transportation" shall mean transportation to and from public schools for the students of Mississippi's public schools provided for under law and funded from state funds.

(ii) "Vocational or technical education program" shall mean a secondary vocational or technical program approved by the State Department of Education and provided for from state funds.

(iii) "Special education program" shall mean a program for exceptional children as defined and authorized by Sections 37-23-1 through 37-23-9, and approved by the State Department of Education and provided from state funds.

(iv) "Gifted education program" shall mean those programs for the instruction of intellectually or academically gifted children as defined and provided for in Section 37-23-175 et seq.

(v) "Alternative school program" shall mean those programs for certain compulsory-school-age students as defined and provided for in Sections 37-13-92 and 37-19-22.

(vi) "Extended school year programs" shall mean those programs authorized by law which extend beyond the normal school year.

(vii) "University-based programs" shall mean those university-based programs for handicapped children as defined and provided for in Section 37-23-131 et seq.

(viii) "Bus driver training" programs shall mean those driver training programs as provided for in Section 37-41-1.

(f) "Teacher" shall include any employee of a local school who is required by law to obtain a teacher's license from the State Board of Education and who is assigned to an instructional area of work as defined by the State Department of Education.

(g) "Principal" shall mean the head of an attendance center or division thereof.

(h) "Superintendent" shall mean the head of a school district.

(i) "School district" shall mean any type of school district in the State of Mississippi, and shall include agricultural high schools.

(j) "Minimum school term" shall mean a term of at least one hundred eighty (180) days of school in which both teachers and pupils are in regular

attendance for scheduled classroom instruction for not less than sixty-three percent (63%) of the instructional day, as fixed by the local school board for each school in the school district. It is the intent of the Legislature that any tax levies generated to produce additional local funds required by any school district to operate school terms in excess of one hundred seventy-five (175) days shall not be construed to constitute a new program for the purposes of exemption from the limitation on tax revenues as allowed under Sections 27-39-321 and 37-57-107 for new programs mandated by the Legislature.

(k) The term "transportation density" shall mean the number of transported children in average daily attendance per square mile of area served in a school district, as determined by the State Department of Education.

(*l*) The term "transported children" shall mean children being transported to school who live within legal limits for transportation and who are otherwise qualified for being transported to school at public expense as fixed by Mississippi state law.

(m) The term "year of teaching experience" shall mean nine (9) months of actual teaching in the public or private elementary and secondary schools and shall also include nine (9) months of actual teaching at postsecondary institutions accredited by the Southern Association of Colleges and Schools (SACS) or equivalent regional accrediting body for degree-granting postsecondary institutions. In no case shall more than one (1) year of teaching experience be given for all services in one (1) calendar or school year. In determining a teacher's experience, no deduction shall be made because of the temporary absence of the teacher because of illness or other good cause, and the teacher shall be given credit therefor. Beginning with the 2003-2004 school year, the State Board of Education shall fix a number of days, not to exceed forty-five (45) consecutive school days, during which a teacher may not be under contract of employment during any school year and still be considered to have been in full-time employment for a regular scholastic term. If a teacher exceeds the number of days established by the State Board of Education that a teacher may not be under contract but may still be employed, that teacher shall not be credited with a year of teaching experience. In determining the experience of school librarians, each complete year of continuous, full-time employment as a professional librarian in a public library in this or some other state shall be considered a year of teaching experience. If a full-time school administrator returns to actual teaching in the public schools, the term "year of teaching experience" shall include the period of time he or she served as a school administrator. In determining the salaries of teachers who have experience in any branch of the military, the term "year of teaching experience" shall include each complete year of actual classroom instruction while serving in the military. In determining the experience of speech-language pathologists and audiologists, each complete year of continuous full-time post master's degree employment in an educational setting in this or some other state shall be considered a year of teaching experience. Provided, however, that school districts are authorized, in their discretion, to negotiate the salary levels

applicable to certificated employees employed after July 1, 2009, who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(n)(i) The term "average daily attendance" shall be the figure which results when the total aggregate full-day attendance during the period or months counted is divided by the number of days during the period or months counted upon which both teachers and pupils are in regular attendance for scheduled classroom instruction, unless a pupil's absence is excused due to participation in an activity authorized by the State Board of Education under subparagraph (ii) of this paragraph, less the average daily attendance for self-contained special education classes. For purposes of determining and reporting attendance, a pupil must be present for at least sixty-three percent (63%) of the instructional day, as fixed by the local school board for each school in the school district, in order to be considered in full-day attendance. Prior to full implementation of the adequate education program the department shall deduct the average daily attendance for the alternative school program provided for in Section 37-19-22.

(ii) [Repealed]

(o) The term "local supplement" shall mean the amount paid to an individual teacher over and above the adequate education program salary schedule for regular teaching duties.

(p) The term "aggregate amount of support from ad valorem taxation" shall mean the amounts produced by the district's total tax levies for operations.

(q) The term "adequate education program funds" shall mean all funds, both state and local, constituting the requirements for meeting the cost of the adequate program as provided for in Section 37-151-7.

(r) "Department" shall mean the State Department of Education.

(s) "Commission" shall mean the Mississippi Commission on School Accreditation created under Section 37-17-3.

(t) The term "successful school district" shall mean a Level III school district as designated by the State Board of Education using current statistically relevant state assessment data.

(u) "Dual enrollment-dual credit programs" shall mean programs for potential or recent high school student dropouts to dually enroll in their home high school and a local community college in a dual credit program consisting of high school completion coursework and a credential, certificate or degree program at the community college, as provided in Section 37-15-38(19).

(v) "Charter school" means a public school that is established and operating under the terms of a charter contract between the school's governing board and the Mississippi Charter School Authorizer Board.

HISTORY: Laws, 1994, ch. 581, § 3; Laws, 1997, ch. 612, § 2; Laws, 2000, ch.

433, § 2; Laws, 2002, ch. 323, § 1; Laws, 2003, ch. 546, § 6; Laws, 2004, ch. 420, § 1; Laws, 2006, ch. 473, § 1; Laws, 2009, ch. 508, § 3; Laws, 2012, ch. 521, § 2; Laws, 2013, ch. 497, § 87; Laws, 2013, ch. 559, § 2; Laws, 2017, ch. 368, § 1, eff from and after July 1, 2017.

Editor's Notes — Former subsection (n)(ii), which required the State Board of Education to define activities for which, for purposes of determining and reporting attendance for average daily attendance, an absence must be considered an excused absence, was repealed by its own terms, effective July 1, 2016.

Amendment Notes — The 2017 amendment, in the first sentence of (m), inserted "elementary and secondary" preceding "schools" and added "and shall also include...degree-granting postsecondary institutions" thereafter.

§ 37-151-6. Mississippi Adequate Education Program funding.

JUDICIAL DECISIONS

1. Statutory interpretation.

For fully funding Mississippi Adequate Education Program (MAEP) to be an enforceable constitutional right, such duty would have to arise from the language of the Constitution itself, which it does not, or be the only way for the Legislature to satisfy its constitutional obligation; but MAEP is not the only general law the Legislature could pass to fulfill its duty under Miss. Const. art. 8, § 201. Clarksdale Mun. Sch. Dist. v. State, 233 So. 3d 299, 2017 Miss. LEXIS 423 (Miss. 2017).

Any rights school districts sought to enforce were purely statutory because they simply argued that the Legislature did not provide a statutory alternative procedure to fully funding Mississippi Adequate Education Program (MAEP) in the fiscal years 2010 and beyond; the districts failed to argue that the Legislature could not, as a constitutional matter, provide an alternative to fully funding MAEP. Clarksdale Mun. Sch. Dist. v. State, 233 So. 3d 299, 2017 Miss. LEXIS 423 (Miss. 2017).

School districts were not entitled to the difference between what they received and what they claimed they should have received had the Legislature fully funded the Mississippi Adequate Education Program (MAEP) because the statute was not mandatory since it did not obligate the Governor to sign a bill fully funding MAEP; with full knowledge of the constitutional legislative process, the legislature failed in the statute to address the Governor's role. Clarksdale Mun. Sch. Dist. v. State, 233 So. 3d 299, 2017 Miss. LEXIS 423 (Miss. 2017).

CHAPTER 153.

WORKFORCE TRAINING AND EDUCATION CONSOLIDATION ACT

Sec.

37-153-7. Mississippi Office of Workforce Development and Mississippi State Workforce Investment Board created; board duties, membership, staff, administration, executive committee, executive director; office collaboration with Mississippi Community College Board to administer Mississippi Workforce Enhancement Training Fund and Mississippi Works Fund; annual report. [Repealed effective July 1, 2023].

37-153-11. One-Stop Career Centers; staff and organization; duties [Repealed effective July 1, 2023].

Sec.

37-153-13. Mississippi Community College Board to be primary support agency for the career centers and district councils; powers [Repealed effective July 1, 2023].
37-153-15. Career and technical education incentive grant to public schools for each student earning qualifying industry certification; use of grants.
37-153-17. Repeal of Sections 37-153-1 through 37-153-15.

§ 37-153-1. Short title [Repealed effective July 1, 2023].

HISTORY: Laws, 1994, ch. 585, § 1; Laws, 1996, ch. 521, § 7; Laws, 2004, ch. 572, § 1; reenacted without change, Laws, 2008, 1st Ex Sess, ch. 30, § 1; reenacted without change, Laws, 2010, ch. 559, § 1; reenacted without change, Laws, 2011, ch. 471, § 1; reenacted without change, Laws, 2012, ch. 515, § 1, eff from and after July 1, 2012; reenacted without change, Laws, 2019, ch. 451, § 1, eff from and after April 3, 2019.

Editor's Notes — This section was reenacted without change by Laws of 2019, ch. 451, § 1, effective from and after April 3, 2019. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

For repeal of this section, see § 37-153-17.

Amendment Notes — The 2019 amendment, effective April 3, 2019, reenacted the section without change.

§ 37-153-3. Legislative intent [Repealed effective July 1, 2023].

HISTORY: Laws, 1994, ch. 585, § 2; Laws, 2004, ch. 572, § 2; reenacted without change, Laws, 2008, 1st Ex Sess, ch. 30, § 2; reenacted without change, Laws, 2010, ch. 559, § 2; reenacted and amended, Laws, 2011, ch. 471, § 2; reenacted without change, Laws, 2012, ch. 515, § 2, eff from and after July 1, 2012; reenacted without change, Laws, 2019, ch. 451, § 2, eff from and after April 3, 2019.

Editor's Notes — This section was reenacted without change by Laws of 2019, ch. 451, § 2, effective from and after April 3, 2019. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Laws of 2004, ch. 572, § 60, as amended by Laws of 2008, 1st Ex Sess, ch. 30, § 58, as amended by Laws of 2010, ch. 559, § 58, as amended by Laws of 2011, ch. 471, § 59, as amended by Laws of 2012, ch. 515, § 58, as amended by Laws of 2019, ch. 451, § 58, and as amended by Laws of 2020, ch. 476, § 7, provides:

"SECTION 60. Sections 8 through 59 of this act shall stand act shall stand repealed on July 1, 2023."

For repeal of this section, see § 37-153-17.

Amendment Notes — The 2019 amendment, effective April 3, 2019, reenacted the section without change.

§ 37-153-5. Definitions [Repealed effective July 1, 2023].

For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed in this section unless the context clearly indicates otherwise:

(a) "State board" or "board" means the Mississippi State Workforce Investment Board.

(b) "District councils" means the Local Workforce Development Councils.

(c) "Local workforce investment board" means the board that oversees the workforce development activities of local workforce areas under the federal Workforce Investment Act.

(d) "Office" means the Mississippi Office of Workforce Development, housed at the Department of Finance and Administration.

HISTORY: Laws, 1994, ch. 585, § 3; Laws, 1996, ch. 521, § 8; Laws, 2004, ch. 572, § 3; reenacted without change, Laws, 2008, 1st Ex Sess, ch. 30, § 3; reenacted without change, Laws, 2010, ch. 559, § 3; reenacted without change, Laws, 2011, ch. 471, § 3; reenacted without change, Laws, 2012, ch. 515, § 3, eff from and after July 1, 2012; reenacted without change, Laws, 2019, ch. 451, § 3, eff from and after April 3, 2019; Laws, 2020, ch. 476, § 1, eff from and after July 1, 2020.

Editor's Notes — This section was reenacted without change by Laws of 2019, ch. 451, § 3, effective from and after April 3, 2019. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Laws of 2004, ch. 572, § 60, as amended by Laws of 2008, 1st Ex Sess, ch. 30, § 58, as amended by Laws of 2010, ch. 559, § 58, as amended by Laws of 2011, ch. 471, § 59, as amended by Laws of 2012, ch. 515, § 58, as amended by Laws of 2019, ch. 451, § 58, and as amended by Laws of 2020, ch. 476, § 7, provides:

"SECTION 60. Sections 8 through 59 of this act shall stand act shall stand repealed on July 1, 2023."

For repeal of this section, see § 37-153-17.

Amendment Notes — The 2019 amendment, effective April 3, 2019, reenacted the section without change.

The 2020 amendment, in (a), inserted "or 'board'"; added (d); and made minor stylistic changes.

Cross References — Definition of "industry certification," see § 37-153-15.

Mississippi Office of Workforce Development, see § 37-153-7.

§ 37-153-7. Mississippi Office of Workforce Development and Mississippi State Workforce Investment Board created; board duties, membership, staff, administration, executive committee, executive director; office collaboration with Mississippi Community College Board to administer Mississippi Workforce Enhancement Training Fund and Mississippi Works Fund; annual report. [Repealed effective July 1, 2023].

(1) There is created the Mississippi Office of Workforce Development and the Mississippi State Workforce Investment Board, which shall serve as the advisory board for the office. The Mississippi State Workforce Investment Board shall be composed of thirty-one (31) voting members, of which a majority shall be representatives of business and industry in accordance with the federal Workforce Innovation and Opportunity Act, or any successive acts.

(2) The members of the State Workforce Investment Board shall include:

(a) The Governor, or his designee;

(b) Nineteen (19) members, appointed by the Governor, of whom:

(i) A majority shall be representatives of businesses in the state, who:

1. Are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local board described in Section 3122(b)(2)(A)(i) of the federal Workforce Innovation and Opportunity Act. At least two (2) of the members appointed under this item 1. shall be small business owners, chief executives or operating officers of businesses with less than fifty (50) employees;

2. Represent businesses, including small businesses, or organizations representing businesses, which provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in high-demand industry sectors or occupations in the state; and

3. Are appointed from among individuals nominated by state business organizations and business trade associations;

(ii) Not less than twenty percent (20%) shall consist of representatives of the workforce within the state, which:

1. Includes labor organization representatives who have been nominated by state labor federations;

2. Includes a labor organization member or training director from an apprenticeship program in the state, which shall be a joint labor-management apprenticeship program if such a program exists in the state;

3. May include representatives of community-based organizations, including organizations serving veterans or providing or supporting competitive, integrated employment for individuals with disabilities, who have demonstrated experience and expertise in addressing employment, training or education needs of individuals with barriers to employment; and

4. May include representatives of organizations, including organizations serving out-of-school youth, who have demonstrated experience or expertise in addressing the employment, training or education needs of eligible youth;

(iii) The balance shall include government representatives, including the lead state officials with primary responsibility for core programs, and chief elected officials (collectively representing both cities and counties, where appropriate);

(c) Two (2) representatives of businesses in the state appointed by the Lieutenant Governor;

(d) Two (2) representatives of businesses in the state appointed by the Governor from a list of three (3) recommendations from the Speaker of the House; and

(e) The following state officials:

(i) The Executive Director of the Mississippi Department of Employment Security;

(ii) The Executive Director of the Department of Rehabilitation Services;

(iii) The State Superintendent of Public Education;

(iv) The Executive Director of the Mississippi Development Authority;

(v) The Executive Director of the Mississippi Community College Board;

(vi) The President of the Community College Association; and

(vii) The Commissioner of the Institutions of Higher Learning.

(f) One (1) senator, appointed by the Lieutenant Governor, and one (1) representative, appointed by the Speaker of the House, shall serve on the state board in a nonvoting capacity.

(g) The Governor may appoint additional members if required by the federal Workforce Innovation and Opportunity Act, or any successive acts.

(h) Members of the board shall serve a term of four (4) years, and shall not serve more than three (3) consecutive terms.

(i) The membership of the board shall reflect the diversity of the State of Mississippi.

(j) The Governor shall designate the Chairman of the Mississippi State Workforce Investment Board from among the business and industry voting members of the board, and a quorum of the board shall consist of a majority of the voting members of the board.

(k) The voting members of the board who are not state employees shall be entitled to reimbursement of their reasonable expenses in the manner and amount specified in Section 25-3-41 and shall be entitled to receive per diem compensation as authorized in Section 25-3-69.

(3) Members of the state board may be recalled by their appointing authority for cause, including a felony conviction, fraudulent or dishonest acts or gross abuse of discretion, failure to meet board member qualifications, or chronic failure to attend board meetings.

(4) The Mississippi Department of Employment Security shall establish limits on administrative costs for each portion of Mississippi's workforce development system consistent with the federal Workforce Investment Act or any future federal workforce legislation.

(5) The Mississippi State Workforce Investment Board shall have the following duties. These duties are intended to be consistent with the scope of duties provided in the federal Workforce Innovation and Opportunity Act, amendments and successor legislation to this act, and other relevant federal law:

(a) Through the office, develop and submit to the Governor, Lieutenant Governor and Speaker of the House a strategic plan for an integrated state workforce development system that aligns resources and structures the system to more effectively and efficiently meet the demands of Mississippi's

employers and job seekers. This plan will comply with the federal Workforce Investment Act of 1998, as amended, the federal Workforce Innovation and Opportunity Act of 2014 and amendments and successor legislation to these acts;

(b) Assist the Governor, Lieutenant Governor and Speaker of the House in the development and continuous improvement of the statewide workforce investment system that shall include:

(i) Development of linkages in order to assure coordination and nonduplication among programs and activities; and

(ii) Review local workforce development plans that reflect the use of funds from the federal Workforce Investment Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser Act and the amendment or successor legislation to the acts, and the Mississippi Comprehensive Workforce Training and Education Consolidation Act;

(c) Recommend to the office the designation of local workforce investment areas as required in Section 116 of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014. There shall be four (4) workforce investment areas that are generally aligned with the planning and development district structure in Mississippi. Planning and development districts will serve as the fiscal agents to manage Workforce Investment Act funds, oversee and support the local workforce investment boards aligned with the area and the local programs and activities as delivered by the one-stop employment and training system. The planning and development districts will perform this function through the provisions of the county cooperative service districts created under Sections 19-3-101 through 19-3-115; however, planning and development districts currently performing this function under the Interlocal Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may continue to do so;

(d) Assist the Governor in the development of an allocation formula for the distribution of funds for adult employment and training activities and youth activities to local workforce investment areas;

(e) Recommend comprehensive, results-oriented measures that shall be applied to all of Mississippi's workforce development system programs;

(f) Assist the Governor in the establishment and management of a one-stop employment and training system conforming to the requirements of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014, as amended, recommending policy for implementing the Governor's approved plan for employment and training activities and services within the state. In developing this one-stop career operating system, the Mississippi State Workforce Investment Board, in conjunction with local workforce investment boards, shall:

(i) Design broad guidelines for the delivery of workforce development programs;

(ii) Identify all existing delivery agencies and other resources;

(iii) Define appropriate roles of the various agencies to include an analysis of service providers' strengths and weaknesses;

(iv) Determine the best way to utilize the various agencies to deliver services to recipients; and

(v) Develop a financial plan to support the delivery system that shall, at a minimum, include an accountability system;

(g) To provide authority, in accordance with any executive order of the Governor, for developing the necessary collaboration among state agencies at the highest level for accomplishing the purposes of this chapter;

(h) To monitor the effectiveness of the workforce development centers and WIN job centers;

(i)) To advise the Governor, public schools, community/junior colleges and institutions of higher learning on effective school-to-work transition policies and programs that link students moving from high school to higher education and students moving between community colleges and four-year institutions in pursuit of academic and technical skills training;

(j) To work with industry to identify barriers that inhibit the delivery of quality workforce education and the responsiveness of educational institutions to the needs of industry;

(k) To provide periodic assessments on effectiveness and results of the overall Mississippi comprehensive workforce development system and district councils;

(*l*) Develop broad statewide development goals, including a goal to raise the state's labor force participation rate;

(m) Perform a comprehensive review of Mississippi's workforce development efforts, including the amount spent and effectiveness of programs supported by state or federal money; and

(n) To assist the Governor in carrying out any other responsibility required by the federal Workforce Investment Act of 1998, as amended and the Workforce Innovation and Opportunity Act, successor legislation and amendments.

(6) The Mississippi State Workforce Investment Board shall coordinate all training programs and funds within its purview, consistent with the federal Workforce Investment Act, Workforce Innovation and Opportunity Act, amendments and successor legislation to these acts, and other relevant federal law.

Each state agency director responsible for workforce training activities shall advise the Mississippi Office of Workforce Development and the State Workforce Investment Board of appropriate federal and state requirements. Each state agency, department and institution shall report any monies received for workforce training activities or career and technical education and a detailed itemization of how those monies were spent to the state board. The board shall compile the data and provide a report of the monies and expenditures to the Chairs of the House and Senate Appropriations Committee, the Chair of the House Workforce Development Committee and the Chair of the Senate Economic and Workforce Development Committee by October 1 of each year. Each such state agency director shall remain responsible for the actions of his agency; however, each state agency and director shall work cooperatively to fulfill the state's goals.

(7) The State Workforce Investment Board shall establish an executive committee, which shall consist of the following State Workforce Investment Board members:

(a) The Chair of the State Workforce Investment Board;

(b) Two (2) business representatives currently serving on the state board selected by the Governor;

(c) The two (2) business representatives currently serving on the state board appointed by the Lieutenant Governor;

(d) The two (2) business representatives currently serving on the state board appointed by the Governor from a list of three (3) recommendations from the Speaker of the House;

(e) The two (2) legislators, who shall serve in a nonvoting capacity, one (1) of whom shall be appointed by the Lieutenant Governor from the membership of the Mississippi Senate and one (1) of whom shall be appointed by the Speaker of the House of Representatives from the membership of the Mississippi House of Representatives.

(8) The executive committee shall select an executive director of the Office of Workforce Development, with the advice and consent of a majority of the State Workforce Investment Board. The executive committee shall seek input from economic development organizations across the state when selecting the executive director. The executive director shall:

(a) Be a person with extensive experience in development of economic, human and physical resources, and promotion of industrial and commercial development. The executive director shall have a bachelor's degree from a state-accredited institution and no less than eight (8) years of professional experience related to workforce or economic development;

(b) Perform the functions necessary for the daily operation and administration of the office, with oversight from the executive committee and the State Workforce Investment Board, to fulfill the duties of the state board as described in Chapter 476, Laws of 2020;

(c) Hire staff needed for the performance of his or her duties under this act. The executive director, with approval from the executive committee, shall set the compensation of any hired employees from any funds made available for that purpose;

(d) Enter any part of the Mississippi Community College Board, individual community and junior colleges, or other workforce training facilities operated by the state or its subdivisions;

(e) Serve at the will and pleasure of the executive committee;

(f) Promulgate rules and regulations, subject to oversight by the executive committee, not inconsistent with this chapter, as may be necessary to enforce the provisions in Chapter 476, Laws of 2020; and

(g) Perform any other actions he or she, in consultation with the executive committee, deems necessary to fulfill the duties under Chapter 476, Laws of 2020.

(9) The Office of Workforce Development and Mississippi Community College Board shall collaborate in the administration and oversight of the

Mississippi Workforce Enhancement Training Fund and Mississippi Works Fund, as described in Section 71-5-353. The executive director shall maintain complete and exclusive operational control of the office's functions.

(10) The office shall file an annual report with the Governor, Secretary of State, President of the Senate, Secretary of the Senate, Speaker of the House, and Clerk of the House not later than October 1 of each year regarding all funds approved by the office to be expended on workforce training during the prior calendar year. The report shall include:

(a) Information on the performance of the Mississippi Workforce Enhancement Training Fund and the Mississippi Works Fund, in terms of adding value to the local and state economy, the contribution to future growth of the state economy, and movement toward state goals, including increasing the labor force participation rate; and

(b) With respect to specific workforce training projects:

(i) The location of the training;

(ii) The amount allocated to the project;

(iii) The purpose of the project;

(iv) The specific business entity that is the beneficiary of the project; and

(v) The number of employees intended to be trained and actually trained, if applicable, in the course of the project.

(c) All information concerning a proposed project which is provided to the executive director shall be kept confidential. Such confidentiality shall not limit disclosure under the Mississippi Public Records Act of 1983 of records describing the nature, quantity, cost or other pertinent information related to the activities of, or services performed using, the Mississippi Workforce Enhancement Training Fund or the Mississippi Works Fund.

(11) Nothing in Chapter 476, Laws of 2020 [Senate Bill No. 2564] shall void or otherwise interrupt any contract, lease, grant or other agreement previously entered into by the State Workforce Investment Board, Mississippi Community College Board, individual community or junior colleges, or other entities.

HISTORY: Laws, 1994, ch. 585, § 4; Laws, 1996, ch. 521, § 9; Laws, 2002, ch. 329, § 4; Laws, 2004, ch. 572, § 4; Laws, 2005, ch. 391, § 2; reenacted without change, Laws, 2008, 1st Ex Sess, ch. 30, § 4; reenacted without change, Laws, 2010, ch. 559, § 4; reenacted without change, Laws, 2011, ch. 471, § 4; reenacted without change, Laws, 2012, ch. 515, § 4; Laws, 2014, ch. 397, § 48; Laws, 2016, ch. 302, § 4, eff from and after passage (approved Mar. 21, 2016); reenacted without change, Laws, 2019, ch. 451, § 4, eff from and after April 3, 2019; Laws, 2020, ch. 476, § 2, eff from and after July 1, 2020.

Editor's Notes — For repeal of this section, see § 37-153-17.

Amendment Notes — The 2016 amendment substituted "forty-one (41)" for "thirty-nine (39)" in (1); in (1)(a), rewrote (iv), which read: "One (1) elected county supervisor," substituted "One (1)" for "Two (2)" and made related grammatical changes in (v) and (vi), added (ix), redesignated former (ix) as (x) and therein substituted "Twenty-one (21)" for "Nineteen (19)"; added (1)(b)(vii) and made related stylistic changes; deleted former (1)(h), which read: "The Mississippi Department of Employment Security shall

be responsible for providing necessary administrative, clerical and budget support for the State Workforce Investment Board"; in (3), added references to "the Workforce Innovation and Opportunity Act of 2014" and "amendments and successor legislation to these acts" or similar language wherever they appear; and added (5) and (6).

The 2019 amendment, effective April 3, 2019, reenacted the section without change.

The 2020 amendment rewrote the section to create the Mississippi Office of Workforce Development, provide that the Mississippi State Workforce Investment Board will serve as the advisory board for the office, revise the composition of the board, amend the duties of the board, require the board to establish an executive committee, and require the office to collaborate with the Mississippi Community College Board to administer the Mississippi Workforce Enhancement Training Fund and the Mississippi Works Fund.

Cross References — Mississippi Administrative Procedures Act, see § 25-43-1.101 et seq.

Federal Aspects — Workforce Innovation and Opportunity Act of 2014, see Pub. L. No. 113-128, 128 Stat. 1425.

§ 37-153-9. District work force development councils created; duties; membership [Repealed effective July 1, 2023].

HISTORY: Laws, 1994, ch. 585, § 5; Laws, 1996, ch. 521, § 10; Laws, 2004, ch. 572, § 5; reenacted without change, Laws, 2008, 1st Ex Sess, ch. 30, § 5; reenacted without change, Laws, 2010, ch. 559, § 5; reenacted without change, Laws, 2011, ch. 471, § 5; reenacted without change, Laws, 2012, ch. 515, § 5; Laws, 2014, ch. 398, § 9, eff from and after July 1, 2014; reenacted without change, Laws, 2019, ch. 451, § 5, eff from and after April 3, 2019.

Editor's Notes — This section was reenacted without change by Laws of 2019, ch. 451, § 5, effective from and after April 3, 2019. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Laws of 2004, ch. 572, § 60, as amended by Laws of 2008, 1st Ex Sess, ch. 30, § 58, as amended by Laws of 2010, ch. 559, § 58, as amended by Laws of 2011, ch. 471, § 59, as amended by Laws of 2012, ch. 515, § 58, as amended by Laws of 2019, ch. 451, § 58, and as amended by Laws of 2020, ch. 476, § 7, provides:

"SECTION 60. Sections 8 through 59 of this act shall stand act shall stand repealed on July 1, 2023."

For repeal of this section, see § 37-153-17.

Amendment Notes — The 2019 amendment, effective April 3, 2019, reenacted the section without change.

§ 37-153-11. One-Stop Career Centers; staff and organization; duties [Repealed effective July 1, 2023].

(1) There are created workforce development centers to provide assessment, training and placement services to individuals needing retraining, training and upgrading for small business and local industry. Each workforce development center shall be affiliated with a separate public community or junior college district and shall coordinate with the Office of Workforce Development.

(2) Each workforce development center shall be staffed and organized locally by the affiliated community college. The workforce development center shall serve as staff to the affiliated district council.

(3) Each workforce development center, working in concert with its affiliated district council, shall offer and arrange services to accomplish the purposes of this chapter, including, but not limited to, the following:

(a) For individuals needing training and retraining:

(i) Recruiting, assessing, counseling and referring to training or jobs;

(ii) Preemployment training for those with no experience in the private enterprise system;

(iii) Basic literacy skills training and high school equivalency education;

(iv) Vocational and technical training, full-time or part-time; and

(v) Short-term skills training for educationally and economically disadvantaged adults in cooperation with federally established employment and training programs;

(b) For specific small businesses, industries or firms within the district:

(i) Job analysis, testing and curriculum development;

(ii) Development of specific long-range training plans;

(iii) Industry or firm-related preemployment training;

(iv) Workplace basic skills and literacy training;

(v) Customized skills training;

(vi) Assistance in developing the capacity for total quality management training;

(vii) Technology transfer information and referral services to business of local applications of new research in cooperation with the University Research Center, the state's universities and other laboratories; and

(viii) Development of business plans;

(c) For public schools within the district technical assistance to secondary schools in curriculum coordination, development of tech prep programs, instructional development and resource coordination; and

(d) For economic development, a local forum and resource center for all local industrial development groups to meet and promote regional economic development.

(4) Each workforce development center shall compile and make accessible to the Office of Workforce Development and Mississippi State Workforce Investment Board necessary information for use in evaluating outcomes of its efforts and in improving the quality of programs at each community college, and shall include information on literacy initiatives. Each workforce development center shall, through an interagency management information system, maintain records on new small businesses, placement, length of time on the job after placement and wage rates of those placed in a form containing such information as established by the state council.

(5) The Mississippi Community College Board is authorized to designate one or more workforce development centers at the request of affiliated community or junior colleges to provide skills training to individuals to enhance their ability to be employed in the motion picture industry in this state.

HISTORY: Laws, 1994, ch. 585, § 6; Laws, 1996, ch. 521, § 11; Laws, 2004, ch.

572, § 6; reenacted without change, Laws, 2008, 1st Ex Sess, ch. 30, § 6; reenacted without change, Laws, 2010, ch. 559, § 6; reenacted without change, Laws, 2011, ch. 471, § 6; reenacted without change, Laws, 2012, ch. 515, § 6; Laws, 2012, ch. 568, § 1, eff from and after July 1, 2012; reenacted without change, Laws, 2019, ch. 451, § 6, eff from and after April 3, 2019; Laws, 2020, ch. 476, § 3, eff from and after July 1, 2020.

Editor's Notes — Laws of 2004, ch. 572, § 60, as amended by Laws of 2008, 1st Ex Sess, ch. 30, § 58, as amended by Laws of 2010, ch. 559, § 58, as amended by Laws of 2011, ch. 471, § 59, as amended by Laws of 2012, ch. 515, § 58, as amended by Laws of 2019, ch. 451, § 58, and as amended by Laws of 2020, ch. 476, § 7, provides:

"SECTION 60. Sections 8 through 59 of this act shall stand act shall stand repealed on July 1, 2023."

For repeal of this section, see § 37-153-17.

Amendment Notes — The 2019 amendment, effective April 3, 2019, reenacted the section without change.

The 2020 amendment, in (1), added "and shall coordinate with the Office of Workforce Development" at the end; and in (4), inserted "Office of Workforce Development and."

§ 37-153-13. Mississippi Community College Board to be primary support agency for the career centers and district councils; powers [Repealed effective July 1, 2023].

The Mississippi Community College Board, in collaboration with the Office of Workforce Development, is designated as the primary support agency to the workforce development centers. The Mississippi Community College Board, in collaboration with the Office of Workforce Development, may exercise the following powers:

(a) To provide the workforce development centers the assistance necessary to accomplish the purposes of this chapter;

(b) To provide the workforce development centers consistent standards and benchmarks to guide development of the local workforce development system and to provide a means by which the outcomes of local services can be measured;

(c) To develop the staff capacity to provide, broker or contract for the provision of technical assistance to the workforce development centers, including, but not limited to:

(i) Training local staff in methods of recruiting, assessment and career counseling;

(ii) Establishing rigorous and comprehensive local preemployment training programs;

(iii) Developing local institutional capacity to deliver total quality management training;

(iv) Developing local institutional capacity to transfer new technologists into the marketplace;

(v) Expanding the Skills Enhancement Program and improving the quality of adult literacy programs; and

(vi) Developing data for strategic planning;

(d) To collaborate with the Mississippi Development Authority, Office of Workforce Development, individual community and junior colleges, and other economic development and educational organizations and political subdivisions to increase the economic development potential and the state's labor force participation rate;

(e) To administer presented and approved certification programs by the community colleges for tax credits and partnership funding for corporate training;

(f) To create and maintain an evaluation team that examines which kinds of curricula and programs and what forms of quality control of training are most productive so that the knowledge developed at one (1) institution of education can be transferred to others;

(g) To develop internal capacity to provide services and to contract for services from universities and other providers directly to local institutions;

(h) To develop and administer an incentive certification program;

(i) To develop and hire staff and purchase equipment necessary to accomplish the goals set forth in this section; and

(j) To collaborate, partner and contract for services with community-based organizations and disadvantaged businesses in the delivery of workforce training and career information especially to youth, as defined by the federal Workforce Investment Act, and to those adults who are in low income jobs or whose individual skill levels are so low as to be unable initially to be aided by a workforce development center. Community-based organizations and disadvantaged businesses must meet performance-based certification requirements set by the Mississippi Community College Board, in collaboration with the Office of Workforce Development.

HISTORY: Laws, 1994, ch. 585, § 7; Laws, 1996, ch. 521, § 12; Laws, 2004, ch. 572, § 7; reenacted without change, Laws, 2008, 1st Ex Sess, ch. 30, § 7; reenacted without change, Laws, 2010, ch. 559, § 7; reenacted without change, Laws, 2011, ch. 471, § 7; Laws, 2014, ch. 397, § 49, eff from and after July 1, 2014; reenacted without change, Laws, 2019, ch. 451, § 7, eff from and after April 3, 2019; Laws, 2020, ch. 476, § 4, eff from and after July 1, 2020.

Editor's Notes — Laws of 2004, ch. 572, § 60, as amended by Laws of 2008, 1st Ex Sess, ch. 30, § 58, as amended by Laws of 2010, ch. 559, § 58, as amended by Laws of 2011, ch. 471, § 59, as amended by Laws of 2012, ch. 515, § 58, as amended by Laws of 2019, ch. 451, § 58, and as amended by Laws of 2020, ch. 476, § 7, provides:

"SECTION 60. Sections 8 through 59 of this act shall stand repealed on July 1, 2023."

For repeal of this section, see § 37-153-17.

Amendment Notes — The 2019 amendment, effective April 3, 2019, reenacted the section without change.

The 2020 amendment inserted "in collaboration with the Office of Workforce Development" twice in the introductory paragraph and once in (j); and rewrote (d), which read: "To collaborate with the Mississippi Development Authority and other economic development organizations to increase the community college systems' economic development potential."

§ 37-153-15. Career and technical education incentive grant to public schools for each student earning qualifying industry certification; use of grants.

(1) As used in this chapter:

(a) The words "industry certification" mean a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies, resulting in the award of a credential that is nationally recognized and must be at least one (1) of the following:

(i) Within an industry that addresses a critical local, regional or statewide economic need;

(ii) Linked to an occupation that is included in the State Department of Employment Security's occupations in high-demand list; or

(iii) Linked to an occupation that is identified as emerging.

(b) The words "qualifying industry certification" mean an industry certification that is linked to an occupation with wages of at least seventy percent (70%) of the average annual wage in this state unless the industry certification is stackable to another postsecondary or professional credential which is linked to an occupation which meets the wage criterion.

(2) The State Workforce Investment Board shall provide the State Board of Education annually with a list of qualifying industry certifications. If the occupations identified in the list are not substantially the same as those occupations identified in the prior year, the State Board of Education shall provide reasonable notice of the changes to school districts.

(3) Beginning in fiscal year 2019-2020 and subject to available funding, the Department of Education shall pay a career and technical education incentive grant to the public school for each student enrolled in the public school who earns a qualifying industry certification. The amount per student for the career and technical education incentive grant shall be Six Hundred Dollars ($600.00). If the statewide sum of the career and technical education incentive grants awarded pursuant to this section exceeds the amount of available funds appropriated for the grants, the grants per student shall be reduced proportionately to cover all eligible grants under this section.

(4) The grants may be used for qualifying industry certification examination fees, professional development for teachers in career and technical education programs under this section, student instructional support for programs that lead to qualifying industry certifications, or to increase access to qualifying industry certifications. Any grants awarded under this section may not be used to supplant funds provided for the basic operation of the career and technical education programs.

(5) On or before July 1 of each year, the Department of Education shall submit a report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chairmen of the House and Senate Education Committees, the Chairman of the House Workforce Development Committee and the Chairman of the Senate Labor Committee on the following:

(a) The number of students who enrolled in a career and technical education course or program that leads to a qualifying industry certification.

(b) The number of students who earned a qualifying industry certification by certification.

(c) The amount of career and technical education incentive grants awarded by the school.

(d) The amount of career and technical education incentive grants awarded per student.

(e) Aggregated demographic data on the students who earned a qualifying industry certification, including the qualifying industry certifications earned by rural and urban students.

HISTORY: Laws, 2019, ch. 434, § 1, eff from and after July 1, 2019.

§ 37-153-17. Repeal of Sections 37-153-1 through 37-153-15.

Sections 37-153-1, 37-153-3, 37-153-5, 37-153-7, 37-153-9, 37-153-11, 37-153-13 and 37-153-15 shall stand repealed on July 1, 2023.

HISTORY: Laws, 2020, ch. 476, § 8, eff from and after July 1, 2020.

CHAPTER 155.

COLLEGE SAVINGS PLANS OF MISSISSIPPI

Article 1. Mississippi Prepaid Affordable College Tuition (MPACT) Program. 37-155-1

ARTICLE 1.

MISSISSIPPI PREPAID AFFORDABLE COLLEGE TUITION (MPACT) PROGRAM.

Sec.
37-155-9. Powers of the board of directors.

§ 37-155-9. Powers of the board of directors.

In addition to the powers granted by any other provision of this article, the board of directors shall have the powers necessary or convenient to carry out the purposes and provisions of this article, the purposes and objectives of the trust fund and the powers delegated by any other law of the state or any executive order thereof, including, but not limited to, the following express powers:

(a) To adopt and amend bylaws;

(b) To adopt such rules and regulations as are necessary to implement the provisions of this article;

(c) To invest any funds of the trust fund in any instrument, obligation,

security or property that constitutes legal investments for public funds in the state and to name and use depositories for its investments and holdings;

(d) To execute contracts and other necessary instruments;

(e) To impose reasonable requirements for residency for beneficiaries at the time of purchase of the contract and to establish rules to govern purchase of contracts for beneficiaries who are nonresidents at the time the purchaser enters into the prepaid tuition contract;

(f) To impose reasonable limits on the number of contract participants in the trust fund at any given period of time;

(g) To contract for necessary goods and services, to employ necessary personnel, and to engage the services of consultants for administrative and technical assistance in carrying out the responsibilities of the trust fund;

(h) To solicit and accept gifts, including bequeathments or other testamentary gifts made by will, trust or other disposition, grants, loans and other aids from any personal source or to participate in any other way in any federal, state or local governmental programs in carrying out the purposes of this article. Any gifts made to the board under this subsection shall be deductible from taxable income of the state in the tax year;

(i) To define the terms and conditions under which payments may be withdrawn or refunded from the trust fund, including, but not limited to, the amount paid in and an additional amount in the nature of interest at a rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations and impose reasonable charges for such withdrawal or refund;

(j) To ensure applicability to private and out-of-state tuitions:

(i) Under the program, a state purchaser may enter into a prepaid tuition contract with the board under which the purchaser agrees to attend a public institution of higher education in Mississippi;

(ii) If the beneficiary of a plan described by Section 37-155-11 enrolls in any in-state or out-of-state regionally accredited private four- or two-year college or an out-of-state regionally accredited, state-supported, nonprofit four- or two-year college or university, or any in-state or out-of-state regionally accredited graduate institution, the board shall pay to the institution an amount up to, but not greater than, the undergraduate tuition and required fees that the board would have paid had the beneficiary enrolled in an institution of higher education covered by the plan selected in the prepaid tuition contract. The beneficiary is responsible for paying a private undergraduate or graduate institution or an out-of-state public undergraduate or graduate institution the amount by which the tuition and required fees of the institution exceed the tuition and required fees paid by the board;

(k) To impose reasonable time limits on the use of the tuition benefits provided by the program;

(*l*) To provide for the receipt of contributions to the trust fund in lump sums or installment payments;

(m) To adopt an official seal and rules;

(n) To sue and be sued;

(o) To establish agreements or other transactions with federal, state and local agencies, including state universities and community colleges;

(p) To appear in its own behalf before boards, commissions or other governmental agencies;

(q) To segregate contributions and payments to the fund into various accounts and funds;

(r) To require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract on a fraudulent basis;

(s) To procure insurance against any loss in connection with the property, assets and activities of the fund or the board;

(t) To require that purchasers of advance payment contracts verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests or contract changes of any nature;

(u) To administer the fund in a manner that is sufficiently actuarially sound to meet the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness;

(v) To establish a comprehensive investment plan for the purposes of this section. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may authorize investments in:

(i) Bonds, notes, certificates and other valid general obligations of the State of Mississippi, or of any county, or of any city, or of any supervisors district of any county of the State of Mississippi, or of any school district bonds of the State of Mississippi; notes or certificates of indebtedness issued by the Veterans' Home Purchase Board of Mississippi, provided such notes or certificates of indebtedness are secured by the pledge of collateral equal to two hundred percent (200%) of the amount of the loan, which collateral is also guaranteed at least for fifty percent (50%) of the face value by the United States government, and provided that not more than five percent (5%) of the total investment holdings of the system shall be in Veterans' Home Purchase Board notes or certificates at any time; real estate mortgage loans one hundred percent (100%) insured by the Federal Housing Administration on single-family homes located in the State of Mississippi, where monthly collections and all servicing matters are handled by Federal Housing Administration approved mortgagees authorized to make such loans in the State of Mississippi;

(ii) State of Mississippi highway bonds;

(iii) Funds may be deposited in any institution insured by the Federal Deposit Insurance Corporation that maintains a facility that takes deposits in the State of Mississippi which appears on the State of Mississippi

Treasury Department's approved depository list and/or safekeeper list or a custodial bank;

(iv) Corporate bonds and taxable municipal bonds of investment grade as rated by Standard & Poor's, by Fitch Ratings, Ltd., or by Moody's Investment Service; or corporate short-term obligations of corporations or of wholly owned subsidiaries of corporations, whose short-term obligations are rated A-2 or better by Standard & Poor's, rated P-2 or better by Moody's Investment Service, or F-2 or better by Fitch Ratings, Ltd., or the equivalent of these ratings if assigned by another United States Securities and Exchange Commission designated Nationally Recognized Statistical Rating Organization;

(v) Agency and nonagency residential and commercial mortgage-backed securities and collateralized mortgage obligations;

(vi) Convertible bonds;

(vii) Bonds of the Tennessee Valley Authority;

(viii) Bonds, notes, certificates and other valid obligations of the United States, and other valid obligations of any federal instrumentality that issues securities under authority of an act of Congress and are exempt from registration with the Securities and Exchange Commission;

(ix) Bonds, notes, debentures and other securities issued by any federal instrumentality and fully guaranteed by the United States. Direct obligations issued by the United States of America shall be deemed to include securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the provisions of the Investment Company Act of 1940, provided that the portfolio of such investment comp'any or investment trust is limited to direct obligations issued by the United States of America, United States government agencies, United States government instrumentalities or United States government sponsored enterprises, and to repurchase agreements fully collateralized by direct obligations of the United States of America, United States government agencies, United States government instrumentalities or United States government sponsored enterprises, and the investment company or investment trust takes delivery of such collateral for the repurchase agreement, either directly or through an authorized custodian;

(x) Interest-bearing revenue bonds or notes or bonds or notes which are general obligations of any state in the United States or of any city or county therein, provided that the bonds or notes are of investment grade as rated by Standard & Poor's, by Fitch Ratings, Ltd., or by Moody's Investment Service;

(xi)1. Shares of stocks, common and/or preferred, of corporations created by or existing under the laws of the United States or any state, district or territory thereof and shares of stocks, common and/or preferred and convertible securities of non-United States companies; provided:

a. The maximum investments in stocks shall not exceed seventy percent (70%)of the marketvalue of the total investment fund;

b. The stock of such corporation shall:

A. Be listed on a national stock exchange; or

B. Be traded in the over-the-counter market, provided price quotations for such over-the-counter stocks are quoted by the National Association of Securities Dealers Automated Quotation System (NASDAQ);

c. The outstanding shares of such corporation shall have a total market value of not less than Fifty Million Dollars ($50,000,000.00);

d. The amount of investment in any one (1) corporation shall not exceed five percent (5%)of the book value of the assets of the fund; and

e. The shares of any one (1) corporation owned by the fund shall not exceed five percent (5%) of that corporation's outstanding stock;

2. The board may take requisite action to effectuate or hedge such transactions for shares of stock and convertible securities of non-United States companies through foreign or domestic banks, including the purchase and sale, transfer, exchange or otherwise disposal of, and generally deal in foreign exchange through the use of foreign currency, interbank forward contracts, futures contracts, options contracts, swaps and other related derivative instruments, notwithstanding any other provisions of law to the contrary;

(xii) Bonds of investment grade, stocks and convertible securities of established non-United States companies and foreign government securities of investment grade rated by a recognized rating agency, which companies are listed on only primary national stock exchanges of foreign nations; provided that the total market value of investments under this paragraph shall at no time exceed thirty percent (30%) of the total market value of all investments of the fund. The board may take requisite action to effectuate or hedge such transactions through foreign or domestic banks, including the purchase and sale, transfer, exchange or otherwise disposal of, and generally deal in foreign exchange through the use of foreign currency, interbank forward contracts, futures contracts, options contracts, swaps and other related derivative instruments, notwithstanding any other provisions of this article to the contrary;

(xiii) Covered call and put options on securities or indices traded on one or more of the regulated exchanges;

(xiv) Institutional investment trusts managed by a corporate trustee or by a Securities and Exchange Commission registered investment advisory firm retained as an investment manager by the board of directors, and institutional class shares of investment companies and unit investment trusts registered under the Investment Company Act of 1940 where such funds or shares are comprised of common or preferred stocks, bonds, money market instruments or other investments authorized under this section. Any investment manager or managers approved by the board of directors shall invest such funds or shares as a fiduciary;

(xv) Pooled or commingled real estate funds or real estate securities managed by a corporate trustee or by a Securities and Exchange Commis-

sion registered investment advisory firm retained as an investment manager by the board of directors. Such investment in commingled funds or shares shall be held in trust; provided that the total market value of investments under this paragraph shall at no time exceed ten percent (10%) of the total market value of all investments of the fund. Any investment manager approved by the board of directors shall invest such commingled funds or shares as a fiduciary;

(xvi) Types of investments not specifically authorized by this paragraph if the investments are in the form of a separate account managed by a Securities and Exchange Commission registered investment advisory firm retained as an investment manager by the board; or a limited partnership or commingled fund approved by the board; provided that the total market value of investments under this paragraph shall at no time exceed ten percent (10%) of the total market value of all investments of the fund. Any person or entity who exercises any discretionary authority or discretionary control respecting management of the separate account, limited partnership or commingled fund, or who exercises any authority or control respecting management or disposition of the assets of the separate account, limited partnership or commingled fund shall exercise such authority or control as a fiduciary;

(w) All investments shall be acquired at prices not exceeding the prevailing market values for such investments;

(x) Any limitations herein set forth shall be applicable only at the time of purchase and shall not require the liquidation of any investment at any time. All investments shall be clearly marked to indicate ownership by the fund and to the extent possible shall be registered in the name of the fund;

(y) Subject to the above terms, conditions, limitations and restrictions, the board shall have power to sell, assign, transfer and dispose of any of the securities and investments of the fund, provided that the sale, assignment or transfer has the majority approval of the entire board. The board may employ or contract with investment managers, evaluation services or other such services as determined by the board to be necessary for the effective and efficient operation of the fund;

(z) Except as otherwise provided herein, no trustee and no employee of the board shall have any direct or indirect interest in the income, gains or profits of any investment made by the board, nor shall any such person receive any pay or emolument for his services in connection with any investment made by the board. No trustee or employee of the board shall become an endorser or surety, or in any manner an obligor for money loaned by or borrowed from the fund;

(aa) All interest derived from investments and any gains from the sale or exchange of investments shall be credited by the board to the account of the fund;

(bb) To delegate responsibility for administration of the comprehensive investment plan to a consultant the board determines to be qualified. Such consultant shall be compensated by the board. Directly or through such

consultant, the board may contract to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board or such consultant, including, but not limited to, providing consolidated billing, individual and collective record keeping and accounting, and asset purchase, control and safekeeping;

(cc) To annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the Governor, the Lieutenant Governor, the President of the Senate, the Speaker of the House of Representatives, and members of the Board of Trustees of State Institutions of Higher Learning, the Mississippi Community College Board and the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall provide to the Board of Trustees of State Institutions of Higher Learning and the Mississippi Community College Board by March 31 each year complete advance payment contract sales information including projected postsecondary enrollments of beneficiaries. The accounts of the fund shall be subject to annual audits by the State Auditor or his designee;

(dd) To solicit proposals for the marketing of the Mississippi Prepaid Affordable College Tuition Program. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall solely be responsible for the marketing of the program. Any materials produced for the purpose of marketing the programs shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent; and

(ee) To establish other policies, procedures and criteria necessary to implement and administer the provisions of this article.

For efficient and effective administration of the program and trust fund, the board may authorize the State of Mississippi Treasury Department and/or the State Treasurer to carry out any or all of the powers and duties enumerated above.

HISTORY: Laws, 1996, ch. 427, § 5; Laws, 2000, ch. 391, § 1; Laws, 2000, ch. 473, § 15; Laws, 2003, ch. 311, § 3; Laws, 2014, ch. 397, § 51, eff from and after July 1, 2014; Laws, 2020, ch. 346, § 1, eff from and after July 1, 2020.

Amendment Notes — The 2020 amendment, in (v), rewrote (iii) and (iv), added (v) and (vi), redesignated former (v) through (xiii) as (vii) through (xv), in (ix), substituted "the Investment Company Act of 1940" for "15 USCS Section 80(a)-1 et seq.," rewrote (x) and (xi), in (xii), substituted "of investment grade" for "rated Single A or better," inserted "and foreign government...recognized rating agency," deleted "and in foreign government securities rated Single A or better by a recognized rating agency" following "of foreign nations," substituted "total market value" for "total book value" twice,

substituted "thirty percent (30%)" for "twenty percent (20%)," substituted "investments of the fund" for "investments of the system," and inserted "or domestic," in (xiii), inserted "or indices," in (xv), substituted "total market value" for "total book value" twice, "ten percent (10%)" for "five percent (5%)," and "investments of the fund" for "investments of the system," and added (xvi); in (w), deleted "by the board" following "acquired" and substituted "investments" for "securities" at the end; and substituted "fund" for "system" throughout (x) through (aa).

CHAPTER 159.

MISSISSIPPI TEACHER SCHOLARSHIP PROGRAMS

Mississippi Critical Needs Teacher Scholarship Program. 37-159-1

MISSISSIPPI CRITICAL NEEDS TEACHER SCHOLARSHIP PROGRAM

Sec.

37-159-1. Short title [Repealed effective July 1, 2021].
37-159-5. Reimbursement of relocation expenses; teachers moving to geographical areas short of teachers; residency requirements [Repealed effective July 1, 2021].
37-159-7. Reimbursement of interviewing expenses; teachers moving to geographical areas short of teachers [Repealed effective July 1, 2021].
37-159-9. University Assisted Teacher Recruitment and Retention Grant Program; geographical areas short of teachers; eligibility for participation; funding; reimbursement of expenses; failure to comply with commitment [Repealed effective July 1, 2021].
37-159-11. Mississippi Employer-Assisted Housing Teacher Program; service to geographical areas short of teachers; eligibility for participation; failure to comply with commitment [Repealed effective July 1, 2021].
37-159-13. Construction of rental housing; West Tallahatchie school district; selection of developer; funding; liability; operation; priority for residence [Repealed effective July 1, 2021].
37-159-17. Mississippi Critical Teacher Shortage Fund; establishment; deposit and use of funds [Repealed effective July 1, 2021].
37-159-19. Repeal of Sections 37-159-1 through 37-159-17.

§ 37-159-1. Short title [Repealed effective July 1, 2021].

This act [Laws of 1998, Chapter 544] shall be known and may be cited as the "Mississippi Critical Teacher Shortage Act of 1998."

HISTORY: Laws, 1998, ch. 544, § 1; Laws, 2014, ch. 538, § 46, eff from and after July 1, 2014; Laws, 2020, ch. 312, § 1, eff from and after July 1, 2020.

Editor's Notes — For repeal date of this section, see § 37-159-19.

Amendment Notes — The 2020 amendment deleted the former last paragraph, which read: "This section shall stand repealed on July 1, 2020."

§ 37-159-5. Reimbursement of relocation expenses; teachers moving to geographical areas short of teachers; residency requirements [Repealed effective July 1, 2021].

The State Board of Education shall prescribe rules and regulations which,

subject to available appropriations, allow for reimbursement to the state licensed teachers, from both in state and out of state, who enter into a contract for employment in a school district situated within a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, for the expense of moving when the employment necessitates the relocation of the teacher to a different geographical area than that in which the teacher resides before entering into such contract. In order to be eligible for the reimbursement, the teacher must apply to the local district and the district must obtain the prior approval from the department for reimbursement before the relocation occurs. If the reimbursement is approved, the department shall provide funds to the school district to reimburse the teacher an amount not to exceed One Thousand Dollars ($1,000.00) for the documented actual expenses incurred in the course of relocating, including the expense of any professional moving company or persons employed to assist with the move, rented moving vehicles or equipment, mileage in the amount authorized for state employees under Section 25-3-41 if the teacher used his personal vehicle or vehicles for the move, meals and such other expenses associated with the relocation in accordance with the department's established rules and regulations. No teacher may be reimbursed for moving expenses under this section on more than one (1) occasion.

Nothing in this section shall be construed to require the actual residence to which the teacher relocates to be within the boundaries of the school district which has executed a contract for employment with the teacher or within the boundaries of the area designated by the State Board of Education as the critical teacher shortage area in order for the teacher to be eligible for reimbursement for his moving expenses. However, teachers must relocate within the boundaries of the State of Mississippi.

HISTORY: Laws, 1998, ch. 544, § 6; Laws, 2014, ch. 538, § 47, eff from and after July 1, 2014; Laws, 2020, ch. 312, § 2, eff from and after July 1, 2020.

Editor's Notes — For repeal date of this section, see § 37-159-19.

Amendment Notes — The 2020 amendment deleted the former last paragraph, which read: "This section shall stand repealed on July 1, 2020."

§ 37-159-7. Reimbursement of interviewing expenses; teachers moving to geographical areas short of teachers [Repealed effective July 1, 2021].

The school board of any school district situated within a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, in its discretion, may reimburse persons who interview for employment as a licensed teacher with the district for the mileage and other actual expenses incurred in the course of travel to and from the interview by such persons at the rate authorized for county and municipal employees under Section 25-3-41. Any reimbursement by a school board under this section shall be paid from nonminimum education program funds.

HISTORY: Laws, 1998, ch. 544, § 7; Laws, 2014, ch. 538, § 48, eff from and after July 1, 2014; Laws, 2020, ch. 312, § 3, eff from and after July 1, 2020.

Editor's Notes — For repeal date of this section, see § 37-159-19.

Amendment Notes — The 2020 amendment deleted the former last paragraph, which read: "This section shall stand repealed on July 1, 2020."

§ 37-159-9. University Assisted Teacher Recruitment and Retention Grant Program; geographical areas short of teachers; eligibility for participation; funding; reimbursement of expenses; failure to comply with commitment [Repealed effective July 1, 2021].

(1) There is established the University Assisted Teacher Recruitment and Retention Grant Program within the State Department of Education. The purposes of the program shall be to attract additional qualified teachers to those geographical areas of the state where there exists a critical shortage of teachers and to retain the qualified teachers already serving as licensed teachers in geographical critical teacher shortage areas by making available scholarships to persons working towards a Master of Education degree or an Educational Specialist degree at an institution of higher learning whose teacher education program is approved by the State Board of Education.

(2) Any institution of higher learning in the State of Mississippi which offers a Master of Education degree or an Educational Specialist degree may apply to the department for participation in the program. As part of the program, participating institutions shall collaborate with the Mississippi Teacher Center to identify, recruit and place teacher education graduates, from both within the state and out of state, in school districts situated within those areas of the state where there exists a critical shortage of teachers, as designated by the State Board of Education.

(3) The State Department of Education shall provide funds to participating institutions of higher learning for the purpose of awarding scholarships to qualified persons pursuing a Master of Education degree or an Educational Specialist degree at such institutions while rendering service to the state as a licensed teacher in a school district in a geographical area of the state where there exists a critical shortage of teachers, as approved by the State Board of Education. The financial scholarship shall be applied to the total cost for tuition, books, materials and fees at the institution in which the student is enrolled, not to exceed an amount equal to the highest total cost of tuition, books, materials and fees assessed by a state institution of higher learning during that school year. Teachers who relocate within Mississippi from out of state in order to participate in the program shall be classified as residents of the state for tuition purposes.

(4) Students awarded financial scholarships under the University Assisted Teacher Recruitment and Retention Grant Program may receive such awards for a maximum of four (4) school years; however, the maximum number of awards which may be made shall not exceed the length of time required to

complete the number of academic hours necessary to obtain a Master of Education degree or an Educational Specialist degree. Financial scholarships under the program shall not be based upon an applicant's eligibility for financial aid.

(5) Persons relocating to a geographical area of the state where there exists a critical shortage of teachers, as approved by the State Board of Education, to participate in the University Assisted Teacher Recruitment and Retention Grant Program shall be eligible for reimbursement for their moving expenses to the critical teacher shortage area from the State Board of Education. The State Board of Education shall promulgate rules and regulations necessary for the administration of the relocation expense reimbursement component of the University Assisted Teacher Recruitment and Retention Grant Program.

(6) Subject to the availability of funds, the State Board of Education may provide for professional development and support services as may be necessary for the retention of teachers participating in the program in those geographical areas of the state where there exists a critical shortage of teachers.

(7) Any person participating in the program who fails to complete a program of study that will enable that person to obtain a Master of Education degree or Educational Specialist degree shall become liable immediately to the State Board of Education for the sum of all awards made to that person under the program, plus interest accruing at the current Stafford Loan rate at the time the person abrogates his participation in the program.

(8) As a condition for participation in the program, a teacher shall agree to employment as a licensed teacher in a school district located in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, for a period of not less than three (3) years, which shall include those years of service rendered while obtaining the Master of Education degree or Educational Specialist degree. However, for any person who obtained a Baccalaureate degree in education with a financial scholarship under the Critical Needs Teacher Scholarship Program and who entered the University Assisted Teacher Recruitment and Retention Grant Program before rendering service as a teacher, the period of employment for the purposes of this subsection shall be two (2) years, in addition to the employment commitment required under the Critical Needs Teacher Scholarship Program. Service rendered by a participant as a licensed teacher in a school district in a geographical critical teacher shortage area before that teacher becomes a participant in the program may not be considered to fulfill the employment commitment required under this subsection. Any person failing to comply with this employment commitment in any required school year shall immediately be in breach of contract and become liable immediately to the State Department of Education for the sum of all scholarships awarded and relocation expenses granted to that person, less one-third (1/3) of the amount of that sum for each year that service was rendered, or for those persons whose required period of employment is two (2) years, less one-half (1/2) of the amount of that sum for each year that service was rendered, plus

interest accruing at the current Stafford Loan rate at the time the breach occurs, except in the case of a deferral for cause by the State Board of Education when there is no employment position immediately available upon the teacher's obtaining of the Master of Education degree or Educational Specialist degree. After the period of such deferral, the person shall begin or resume the required teaching duties or shall become liable to the board under this subsection. If a claim for repayment under this subsection is placed in the hands of an attorney for collection after default, then the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(9) All funds received by the State Department of Education from the repayment of scholarship awards and relocation expenses by program participants shall be deposited in the Mississippi Critical Teacher Shortage Fund.

(10) The State Board of Education shall promulgate rules and regulations necessary for the proper administration of the University Assisted Teacher Recruitment and Retention Grant Program.

HISTORY: Laws, 1998, ch. 544, § 13; Laws, 2000, ch. 334, § 1; Laws, 2014, ch. 538, § 49, eff from and after July 1, 2014; Laws, 2020, ch. 312, § 4, eff from and after July 1, 2020.

Editor's Notes — For repeal date of this section, see § 37-159-19.

Amendment Notes — The 2020 amendment deleted the former last paragraph, which read: "This section shall stand repealed on July 1, 2020."

§ 37-159-11. Mississippi Employer-Assisted Housing Teacher Program; service to geographical areas short of teachers; eligibility for participation; failure to comply with commitment [Repealed effective July 1, 2021].

(1) There is established the Mississippi Employer-Assisted Housing Teacher Program, which shall be a special home loan program for eligible licensed teachers who render service to the state in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. The home loan program shall be administered by the State Department of Education. The department may contract with one or more public or private entities to provide assistance in implementing and administering the program. The State Board of Education shall adopt rules and regulations regarding the implementation and administration of the program.

(2) Participation in the loan program shall be available to any licensed teacher who renders service in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. Any person who receives a loan under the program shall be required to purchase a house and reside in a county in which the school district for which the teacher is rendering service, or any portion of the school district, is located. The maximum amount of a loan that may be made under the program to any person shall be Six Thousand Dollars ($6,000.00).

(3) Any loan made under the program to a person who actually renders service as a teacher in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, shall be converted to an interest-free grant on the basis of one (1) year's service for one-third (1/3) of the amount of the loan. Any person who does not render three (3) years' service as a teacher in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, shall be liable to the State Department of Education for one-third (1/3) of the amount of the loan for each year that he does not render such service, plus interest accruing at the current Stafford Loan rate at the time the person discontinues his service. If a claim for repayment under this subsection is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(4) All funds received by the State Department of Education as repayment of loans by program participants shall be deposited in the Mississippi Critical Teacher Shortage Fund.

HISTORY: Laws, 1998, ch. 544, § 14; Laws, 2000, ch. 321, § 1; Laws, 2001, ch. 543, § 1; Laws, 2004, ch. 369, § 1; reenacted and amended, Laws, 2009, ch. 345, § 30; Laws, 2014, ch. 538, § 50, eff from and after July 1, 2014; Laws, 2020, ch. 312, § 5, eff from and after July 1, 2020; Laws, 2020, ch. 396, § 1, eff from and after July 1, 2020.

Joint Legislative Committee Note — Section 5 of Chapter 312, Laws of 2020, effective from and after July 1, 2020 (approved June 11, 2020), amended this section. Section 1 of Chapter 396, Laws of 2020, effective from and after July 1, 2020 (approved June 29, 2020), also amended this section. As set out above, this section reflects the language of Section 1 of Chapter 396, Laws of 2020, which contains language that specifically provides that it supersedes § 37-159-11 as amended by Chapter 312, Laws of 2020.

Editor's Notes — For repeal date of this section, see § 37-159-19.

Amendment Notes — The first 2020 amendment (ch. 312) deleted the former last paragraph, which read: "This section shall stand repealed on July 1, 2020."

The second 2020 amendment (ch. 396), in (1), deleted "in conjunction with the Federal National Mortgage Association (Fannie Mae)" at the end of the second sentence; and deleted the former last paragraph, which read: "This section shall stand repealed July 1, 2020."

§ 37-159-13. Construction of rental housing; West Tallahatchie school district; selection of developer; funding; liability; operation; priority for residence [Repealed effective July 1, 2021].

(1) There is established a pilot program to provide for the construction of rental housing units for teachers in the West Tallahatchie School District, which pilot program shall be administered by the State Department of Education. The department may contract with one or more public or private entities to provide assistance in implementing and administering the program. The State Board of Education shall adopt rules and regulations regarding the implementation and administration of the program.

(2) The West Tallahatchie School District shall receive proposals from developers for the construction of the rental housing units, and submit its recommendation to the State Department of Education about which developer should construct the units. The department shall make the final determination about the developer that will construct the units.

(3) After selection of the developer, the department shall loan the developer not more than Two Hundred Thousand Dollars ($200,000.00) for construction of the units. The interest rate on the loan shall be equal to one percent (1%) below the discount rate at the Federal Reserve Bank in the Federal Reserve district in which the school district is located, and the loan shall be repaid in not more than fifteen (15) years, as determined by the department. All funds received by the department as repayment of the principal and interest of the loan shall be deposited in the Mississippi Critical Teacher Shortage Fund. If a claim against the developer for repayment is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(4) The developer shall operate the rental housing units. For a period of ten (10) years or until such time as the loan to the developer is repaid, whichever is longer, the priority for residence in the units shall be given first to teachers employed by the school district, then to other licensed school district employees, and then to any other school district employees.

HISTORY: Laws, 1998, ch. 544, § 15; Laws, 2014, ch. 538, § 51, eff from and after July 1, 2014; Laws, 2020, ch. 312, § 6, eff from and after July 1, 2020.

Editor's Notes — For repeal date of this section, see § 37-159-19.

Amendment Notes — The 2020 amendment deleted the former last paragraph, which read: "This section shall stand repealed on July 1, 2020."

§ 37-159-17. Mississippi Critical Teacher Shortage Fund; establishment; deposit and use of funds [Repealed effective July 1, 2021].

There is established in the State Treasury a special fund to be designated the "Mississippi Critical Teacher Shortage Fund," into which shall be deposited those funds appropriated by the Legislature, and any other funds that may be made available, for the purpose of implementing the programs established under Sections 37-159-5, 37-9-77, 37-3-91 and 37-159-9 through 37-159-13. Money in the fund at the end of a fiscal year shall not lapse into the General Fund, and interest earned on any amounts deposited into the fund shall be credited to the special fund.

HISTORY: Laws, 1998, ch. 544, § 17; Laws, 2012, ch. 315, § 2; Laws, 2014, ch. 538, § 52, eff from and after July 1, 2014; Laws, 2020, ch. 312, § 7, eff from and after July 1, 2020.

Editor's Notes — For repeal date of this section, see § 37-159-19.

Amendment Notes — The 2020 amendment deleted the former last paragraph, which read: "This section shall stand repealed on July 1, 2020."

§ 37-159-19. Repeal of Sections 37-159-1 through 37-159-17.

Sections 37-159-1 through 37-159-17 shall stand repealed on July 1, 2021.

HISTORY: Laws, 2020, ch. 312, § 8, eff from and after July 1, 2020.

CHAPTER 161.

MISSISSIPPI EDUCATION REFORM ACT OF 2006

Sec.

37-161-3. Legislative findings and declarations; Mississippi Virtual Public School Program created; definitions; necessary instructional materials and access to necessary technology provided to students enrolled in virtual school; qualifications of teachers; enrollment to be free of charge to students subject to availability of funds; responsibility of parents or guardians for cost.

§ 37-161-3. Legislative findings and declarations; Mississippi Virtual Public School Program created; definitions; necessary instructional materials and access to necessary technology provided to students enrolled in virtual school; qualifications of teachers; enrollment to be free of charge to students subject to availability of funds; responsibility of parents or guardians for cost.

(1) The Legislature finds and declares the following:

(a) Meeting the educational needs of children in our state's schools is of the greatest importance to the future welfare of the State of Mississippi;

(b) Closing the achievement gap between high-performing students, including the achievement gap among at-risk students, is a significant and present challenge;

(c) Providing a broader range of educational options to parents and utilizing existing resources, along with technology, may help students in the state improve their academic achievement; and

(d) Many of the state's school districts currently lack the capacity to provide other public school choices for students whose schools are low performing.

(2) There is created the Mississippi Virtual Public School Program, which is the responsibility of the State Department of Education. It is the intent of the Legislature that the Mississippi Virtual Public School established under this section provides Mississippi families with an alternative choice to access additional educational resources in an effort to improve academic achievement. The Mississippi Virtual Public School must be recognized as a public school and provide equitable treatment and resources as are other public schools in the state. Private providers, overseen by the State Department of Education, may be selected by the State Board of Education to administer,

manage or operate virtual school programs in this state, including the total operation of the Mississippi Virtual Public School Program. Any private provider chosen to provide services under the provisions of this subsection shall be chosen through the Mississippi Online Course Application Process.

(3) Nothing in this section may be interpreted as precluding the use of computer- and Internet-based instruction for students in a virtual or remote setting utilizing the Mississippi Virtual Public School.

(4) As used in this section, the following words and phrases have the meanings respectively ascribed unless the context clearly requires otherwise:

(a) "Mississippi Virtual Public School" means a public school in which the state uses technology in order to deliver instruction to students via the Internet in a virtual or remote setting.

(b) "Sponsor" means the public school district is responsible for the academic process for each student, including, but not limited to, enrollment, awarding of credit and monitoring progress.

(5)(a) The State Board of Education shall establish the Mississippi Virtual Public School beginning in school year 2006-2007.

(b) Students who enroll in the Mississippi Virtual Public School may reside anywhere in the State of Mississippi.

(6) Subject to appropriation, the Mississippi Virtual Public School shall provide to each student enrolled in the school all necessary instructional materials. Subject to appropriation, the sponsored school must ensure that each student is provided access to the necessary technology, such as a computer and printer, and to an Internet connection for schoolwork purposes.

(7) The Mississippi Department of Education shall have approval authority for all coursework and policy of the Mississippi Virtual Public School.

(8) Each teacher employed by or participating in the delivery of instruction through the Mississippi Virtual Public School must meet all qualifications for licensure in the State of Mississippi.

(9) Any student who meets state residency requirements may enroll in the Mississippi Virtual Public School.

(10) Enrollment in the Mississippi Virtual Public School shall be free of charge to students. The costs associated with the operations of the virtual school must be shared by the State Department of Education, subject to appropriation, and/or the local school districts. Once the State Department of Education appropriation and the local school district budgeted funds for Mississippi Virtual Public School have been expended and students choose to enroll in online courses, the costs of the online courses may be the responsibility of the students' parents or guardians.

HISTORY: Laws, 2006, ch. 346, § 1; Laws, 2006, ch. 504, § 10; reenacted without change, Laws, 2009, ch. 345, § 32; Laws, 2010, ch. 330, § 1; Laws, 2011, ch. 442, § 19, eff from and after July 1, 2011; Laws, 2018, ch. 427, § 1, eff from and after July 1, 2018.

Amendment Notes — The 2018 amendment substituted "the Mississippi Online Course Application Process" for "a competitive RFP process" at the end of (2); substituted "Mississippi Department of Education" for "State Board of Education" in

(7); and in (10), substituted "shall be free of charge" for "must be free of charge" and added the last sentence.

CHAPTER 163.

EDUCATION ACHIEVEMENT COUNCIL

Sec.
37-163-1. Education Achievement council created; composition; duties and responsibilities; annual report; compensation.

§ 37-163-1. Education Achievement council created; composition; duties and responsibilities; annual report; compensation.

(1) There is created an Education Achievement Council whose purpose is to sustain attention to the state's goal of increasing the educational attainment and skill levels of the state's working-age population benchmark to the national average by 2025.

(2) The Education Achievement Council shall consist of twenty-five (25) members:

(a) The Chairmen of the House and Senate Universities and Colleges Committees;

(b) The Chairmen of the House and Senate Education Committees;

(c) A representative of the Governor's office appointed by the Governor;

(d) Two (2) members of the Board of Trustees of State Institutions of Higher Learning;

(e) The Chairman of the State Board of Education, or his designee;

(f) The Chairman and one (1) member of the Mississippi Community College Board, or his designee;

(g) The State Superintendent of Public Education, or his designee;

(h) The Commissioner of Higher Education, or his designee;

(i) The Executive Director of the Mississippi Community College Board, or his designee;

(j) Three (3) presidents of state institutions of higher learning appointed by the Board of Trustees of State Institutions of Higher Learning, one (1) of which must be from a historically black institution of higher learning;

(k) Three (3) community and junior college presidents appointed by the Mississippi Community College Board;

(*l*) The Executive Director of the Mississippi Department of Mental Health, or his designee;

(m) The President and Chief Executive Officer of the Mississippi Economic Council;

(n) The Chairmen of the House and Senate Appropriations Committees, or their designees;

(o) The Executive Director of the Mississippi Association of Independent Colleges and Universities; and

(p) The President of the Mississippi Association for Proprietary Schools.

(3) The Education Achievement Council shall work collaboratively with the Board of Trustees of State Institutions of Higher Learning and the Mississippi Community College Board to achieve the state's goal, and shall not displace any governing or coordinating responsibilities.

(4) The Education Achievement Council shall:

(a) Establish the education achievement goals for the state;

(b) Develop and prescribe appropriate planning processes;

(c) Establish appropriate benchmarks to measure progress, including degrees awarded per one hundred (100) full-time equivalent (FTE) students calculated using completed credit hours; conduct the necessary studies and analysis;

(d) Research and develop a new funding mechanism for public community colleges and state institutions of higher learning based upon productivity goals and accomplishments as well as enrollment, and submit a report thereon with necessary legislation to the Governor and the appropriate committees of the Legislature on or before November 1, 2012, for consideration at the 2013 Regular Session; and

(e) Contract for any professional services that it deems necessary to complete its work.

(5) The Education Achievement Council shall monitor and report on the state's progress toward these education achievement goals by preparing an annual state report card compiled from the annual reports prepared and submitted by each state institution of higher learning and community and junior college in the state. The state's annual report shall be made available on the Education Achievement Council website, as well as the websites of the Board of Trustees of State Institutions of Higher Learning and the Mississippi Community College Board.

(6) Each state institution of higher learning and community and junior college shall be required to develop and publish an annual report as prescribed by the Education Achievement Council. By November 1 of each year, as prescribed by the Education Achievement Council, each institution's annual report shall be published in a newspaper having general circulation in the county and posted on the institution's website in printable form. The public notice shall include information on the report's availability on the institution's website, with the website address, and the locations where a copy of the report may be obtained.

(7) Within sixty (60) days of March 24, 2010, the Education Achievement Council shall meet and organize by selecting from its membership a chairman, vice chairman and secretary each for a one-year term of office. A majority of the membership will constitute a quorum. In the selection of its officers and the adoption of rules, resolutions and reports, an affirmative majority vote shall be required. All members must be notified in writing of all meetings at least five (5) days before the date on which a meeting is scheduled.

(8) The Legislature may appropriate funds to the Board of Trustees of State Institutions of Higher Learning for the administrative, contractual costs, travel and other expenses of the Education Achievement Council.

(9) Members of the Education Achievement Council who are not legislators, state officials or state employees may be compensated at the per diem rate authorized by Section 25-3-41 for mileage and actual expense incurred in the performance of their duties. Legislative members of the Education Achievement Council may be paid from the contingent expense funds of their respective houses, but only with the specific approval of the Senate Rules Committee or House Management Committee; however, no per diem or expense is authorized for attending meetings of the Education Achievement Council when the Legislature is in session. Nonlegislative members may be paid from any funds made available for that purpose.

(10) The Commissioner of Higher Education, or his designee, shall serve as the principal staff to support the Education Achievement Council. The Commissioner of Higher Education and the Executive Director of the Mississippi Community College Board shall provide appropriate staff to support the work of the Education Achievement Council.

HISTORY: Laws, 2010, ch. 424, § 1; Laws, 2011, ch. 377, § 1; Laws, 2014, ch. 397, § 55; Laws, 2016, ch. 307, § 1, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment, in (2), substituted "twenty-five (25) members" for "twenty-three (23) members" in the introductory paragraph, added (o) and (p) and made related stylistic changes.

CHAPTER 167.

NEW START SCHOOL PROGRAM [REPEALED]

Sec.
37-167-1. Repealed.

§ 37-167-1. Repealed.

Repealed by Laws of 2017, ch. 343, § 1, effective from and after July 1, 2017.

§ 37-167-1. [Laws, 2010, ch. 540, § 1; Laws, 2014, ch. 458, § 1; Laws, 2015, ch. 344, § 1, eff from and after July 1, 2015.]

Editor's Notes — Former § 37-167-1 established the "New Start School Program."

CHAPTER 173.

DYSLEXIA THERAPY SCHOLARSHIP FOR STUDENTS WITH DYSLEXIA PROGRAM

Sec.
37-173-1. Definitions.
37-173-3. Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program established.

Sec.
37-173-7. Student eligibility for scholarship; duration of scholarship.
37-173-9. Public school option; nonpublic school option.
37-173-15. Screening of all compulsory-school-age children enrolled in public school for dyslexia; subsequent dyslexia evaluations.
37-173-31. Repealed.

§ 37-173-1. Definitions.

As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Board" means the State Board of Education.

(b) "Department" means the State Department of Education.

(c) "Dyslexia" means a specific learning disability that is neurological in origin, characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities, which typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and secondary consequences which may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

(d) "Dyslexia therapy" means an appropriate specialized dyslexia instructional program that is delivered by a Mississippi Department of Education licensed dyslexia therapist which is scientific, research-based, Orton-Gillingham based, and is offered in a small group setting to teach students the components of reading instruction which include:

(i) Phonemic awareness to enable students to detect, segment, blend and manipulate sounds in spoken language;

(ii) Graphophonemic knowledge (phonics) for teaching the letter-sound plan of English;

(iii) The entire structure of the English language that encompasses morphology, semantics, syntax and pragmatics;

(iv) Linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are carriers of meaning; and

(v) Strategies that students use for decoding, encoding, word recognition, fluency and comprehension.

These components shall be taught using instructional approaches that include explicit, direct instruction which is systematic, sequential and cumulative, following a logical plan of presenting the alphabetic principle commensurate with the students' needs, with no assumption of prior skills or language knowledge; individualized to meet the specific learning needs of each individual student in a small group setting; intensive, highly concentrated instruction that maximizes student engagement and uses specialized methods and materials; meaning-based instruction directed toward purposeful reading and writing, with an emphasis on comprehension and composi-

tion; and multisensory instruction that incorporates the simultaneous use of two (2) or more sensory pathways during teacher presentations and student practice.

(e) "Dyslexia therapist" means a professional who has completed training in a department approved Orton-Gillingham based dyslexia therapy training program attaining a AA license in dyslexia therapy or a professional participating in a state approved dyslexia therapy training program to attain a AA license in dyslexia therapy.

(f) "Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program" means a scholarship to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a nonpublic school of choice, for students in Grade 1 through Grade 12 diagnosed with dyslexia in order to receive comprehensive multisensory dyslexia therapy delivered by holders of an appropriate license in dyslexia therapy issued by the department.

(g) "School" means any public or state accredited nonpublic special purpose school that provides a specific learning environment that provides comprehensive dyslexia therapy instruction delivered by dyslexia therapists licensed by the department providing highly qualified education and intervention services to children diagnosed with the primary learning disability of dyslexia.

HISTORY: Laws, 2012, ch. 560, § 1; reenacted without change, Laws, 2016, ch. 429, § 1; Laws, 2017, ch. 425, § 1, eff from and after July 1, 2017.

Amendment Notes — The 2016 amendment was reenacted without change.

The 2017 amendment substituted "Grade 1 through Grade 12" for "Grade 1 through Grade 6" in (f).

§ 37-173-3. Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program established.

The Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a nonpublic school of choice, for students with a diagnosis of dyslexia. Students in Grades 1 through 12 who have been properly screened and diagnosed with dyslexia shall be eligible to receive scholarship assistance under this program.

HISTORY: Laws, 2012, ch. 560, § 2; reenacted without change, Laws, 2016, ch. 429, § 2; Laws, 2017, ch. 425, § 2, eff from and after July 1, 2017.

Amendment Notes — The 2016 amendment reenacted the section without change.

The 2017 amendment substituted "Grades 1 through 12" for "Grades 1-6" in the last sentence.

§ 37-173-5. Option to remove child from traditional school and enroll in public or nonpublic school that meets standards for unique learning needs of students with dyslexia; scholarship eligibility requirements.

HISTORY: Laws, 2012, ch. 560, § 3; reenacted without change, Laws, 2016, ch. 429, § 3, eff from and after July 1, 2016.

Editor's Notes — This section was reenacted without change by Laws of 2016, ch. 429, § 3, effective from and after July 1, 2016. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2016 amendment reenacted the section without change.

§ 37-173-7. Student eligibility for scholarship; duration of scholarship.

(1) A student is not eligible for a Mississippi Dyslexia Therapy Scholarship while he or she is:

(a) Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) Participating in a homeschool education program;

(c) Participating in a virtual school, correspondence school, or distance learning program that receives state funding under the student's participation unless the participation is limited to no more than two (2) courses per school year;

(d) Not having regular and direct contact with his or her private school teachers at the school's physical location.

(2)(a) For purposes of continuity of educational choice, a Mississippi Dyslexia Therapy Scholarship shall remain in force until the student returns to a public school or completes Grade 12, whichever occurs first.

(b) Upon reasonable notice to the department and the school district, the student's parent or legal guardian may remove the student from the nonpublic school and place the student in a public school in accordance with this section.

HISTORY: Laws, 2012, ch. 560, § 4; reenacted without change, Laws, 2016, ch. 429, § 4; Laws, 2017, ch. 425, § 3, eff from and after July 1, 2017.

Amendment Notes — The 2016 amendment reenacted the section without change. The 2017 amendment substituted "Grade 12" for "Grade 6" in (2)(a).

§ 37-173-9. Public school option; nonpublic school option.

(1)(a) The parent or legal guardian is not required to accept the offer of enrolling in another public school in lieu of requesting a Mississippi Dyslexia Therapy Scholarship to a nonpublic school. However, if the parent or legal guardian chooses the public school option, the student may continue attend-

ing a public school chosen by the parent or legal guardian until the student completes Grade 12.

(b) If the parent or legal guardian chooses a public school within the district, the school district shall provide transportation to the public school selected by the parent or legal guardian. However, if the parent or legal guardian chooses a public school in another district, the parent or legal guardian is responsible to provide transportation to the school of choice.

(2) Each local school district shall make an initial determination of whether a student diagnosed with dyslexia qualifies under the Individuals with Disabilities Education Act (IDEA) to receive services and funding under the provisions of the IDEA before proceeding to the development of a 504 Plan for each dyslexic student eligible for educational services or equipment, or both, under Sections 37-23-1 through 37-23-157. If a student's diagnosis of dyslexia results in a determination that the disability is not a disability which would qualify the student as eligible under the IDEA, then in developing the written 504 Plan for each dyslexia student, there shall be a presumption that proficiency in spelling, reading and writing are essential for the student to achieve appropriate educational progress. Each local school district shall develop interventions and strategies to address the needs of those students diagnosed with dyslexia which provide the necessary accommodations to enable the student to achieve appropriate educational progress. The interventions and strategies developed shall include, but not be limited to, the use of the 3-Tier Instructional Model and the utilization of provisions of the IDEA and Section 504 to address those needs.

Furthermore, these provisions do not prohibit a parent or legal guardian of a student diagnosed with dyslexia, at any time, from choosing the option of a Mississippi Dyslexia Therapy Scholarship which would allow the student to attend another public school or nonpublic special purpose school.

(3) If the parent or legal guardian chooses the nonpublic school option and the student is accepted by the nonpublic school pending the availability of a space for the student, the parent or legal guardian of the student must notify the department thirty (30) days before the first scholarship payment and before entering the nonpublic school in order to be eligible for the scholarship when a space becomes available for the student in the nonpublic school.

(4) The parent or legal guardian of a student may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district which has available space and has a program with dyslexia services that provide daily dyslexia therapy sessions delivered by a department licensed dyslexia therapist, and that school district shall accept the student and report the student for purposes of the district's funding under the Mississippi Adequate Education Program.

HISTORY: Laws, 2012, ch. 560, § 5; reenacted without change, Laws, 2016, ch. 429, § 5; Laws, 2017, ch. 425, § 4, eff from and after July 1, 2017.

Amendment Notes — The 2016 amendment reenacted the section without change. The 2017 amendment substituted "Grade 12" for "Grade 6" at the end of (1)(a).

§ 37-173-11. Parental obligations if applying for Mississippi Dyslexia Therapy Scholarship.

HISTORY: Laws, 2012, ch. 560, § 6; reenacted without change, Laws, 2016, ch. 429, § 6, eff from and after July 1, 2016.

Editor's Notes — This section was reenacted without change by Laws of 2016, ch. 429, § 6, effective from and after July 1, 2016. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2016 amendment reenacted the section without change.

§ 37-173-13. Maximum scholarship; report by nonpublic schools; disbursement of payments to nonpublic schools.

HISTORY: Laws, 2012, ch. 560, § 7; reenacted without change, Laws, 2016, ch. 429, § 7, eff from and after July 1, 2016.

Editor's Notes — This section was reenacted without change by Laws of 2016, ch. 429, § 7, effective from and after July 1, 2016. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2016 amendment reenacted the section without change.

§ 37-173-15. Screening of all compulsory-school-age children enrolled in public school for dyslexia; subsequent dyslexia evaluations.

(1)(a) Each local school district shall adopt a policy to ensure that students will be screened by a screener approved by the State Board of Education in the spring of kindergarten and the fall of Grade 1. The component of the screening must include:

(i) Phonological awareness and phonemic awareness;

(ii) Sound symbol recognition;

(iii) Alphabet knowledge;

(iv) Decoding skills;

(v) Encoding skills; and

(vi) Rapid naming.

(b) If a student fails the screener, the parent or legal guardian will be notified of the results of the screener. Subsequent dyslexia evaluations may be administered by licensed professionals, including:

(i) Psychologists, licensed under Chapter 31, Title 73, Mississippi Code of 1972;

(ii) Psychometrists, licensed by the Mississippi Department of Education, and in accordance with Chapter 31, Title 73, Section 27, Mississippi Code of 1972; or

(iii) Speech Language Pathologists, licensed under Chapter 38, Title 73, Mississippi Code of 1972.

(c) If a student fails the screener, the school district, in its discretion, may perform a comprehensive dyslexia evaluation, such evaluation must be administered by any of the licensed professionals identified under paragraph (b) of this subsection.

(d) If a parent or legal guardian of a student who fails the dyslexia screener exercises the option to have a subsequent evaluation performed, such evaluation shall be administered by any of the licensed professionals identified under paragraph (b) of this subsection, and the resulting diagnosis of the subsequent evaluation must be accepted by the school district for purposes of determining eligibility for placement within a dyslexia therapy program within the current school or to receive a Mississippi Dyslexia Therapy Scholarship for placement in a dyslexia program in another public school or nonpublic school.

(2) The screening of all compulsory-school-age children enrolled in each local public school district for dyslexia required by subsection (1)(a) of this section shall in no manner nullify or defeat the requirements of the pilot programs adopted by the State Department of Education to test certain students enrolled or enrolling in public schools for dyslexia under Section 37-23-15.

HISTORY: Laws, 2012, ch. 560, § 8; Laws, 2016, ch. 429, § 8; Laws, 2017, ch. 425, § 5, eff from and after July 1, 2017.

Amendment Notes — The 2016 amendment added "and in accordance...Mississippi Code of 1972" near the end of (1)(b)(ii).

The 2017 amendment inserted "by a screener approved by the State Board of Education" in the first sentence of (1)(a); and deleted "special purpose" preceding "school" at the end of (1)(d).

§ 37-173-17. Eligibility requirements for nonpublic schools to participate in scholarship program.

HISTORY: Laws, 2012, ch. 560, § 9; reenacted without change, Laws, 2016, ch. 429, § 9, eff from and after July 1, 2016.

Editor's Notes — This section was reenacted without change by Laws of 2016, ch. 429, § 9, effective from and after July 1, 2016. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2016 amendment reenacted the section without change.

§ 37-173-19. Publication of information regarding Mississippi Dyslexia Therapy Scholarship; annual reports.

HISTORY: Laws, 2012, ch. 560, § 10; reenacted without change, Laws, 2016, ch. 429, § 10, eff from and after July 1, 2016.

Editor's Notes — This section was reenacted without change by Laws of 2016, ch. 429, § 10, effective from and after July 1, 2016. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2016 amendment reenacted the section without change.

§ 37-173-21. Administrative and instructional personnel qualifications.

HISTORY: Laws, 2012, ch. 560, § 11; reenacted without change, Laws, 2016, ch. 429, § 11, eff from and after July 1, 2016.

Editor's Notes — This section was reenacted without change by Laws of 2016, ch. 429, § 11, effective from and after July 1, 2016. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2016 amendment reenacted the section without change.

§ 37-173-23. Criminal background checks and fingerprinting of school personnel.

HISTORY: Laws, 2012, ch. 560, § 12; reenacted without change, Laws, 2016, ch. 429, § 12, eff from and after July 1, 2016.

Editor's Notes — This section was reenacted without change by Laws of 2016, ch. 429, § 12, effective from and after July 1, 2016. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2016 amendment reenacted the section without change.

§ 37-173-25. Payment of federal and state aid program monies to participating schools; audit and budget submission requirements.

HISTORY: Laws, 2012, ch. 560, § 13; reenacted without change, Laws, 2016, ch. 429, § 13, eff from and after July 1, 2016.

Editor's Notes — This section was reenacted without change by Laws of 2016, ch. 429, § 13, effective from and after July 1, 2016. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2016 amendment reenacted the section without change.

§ 37-173-27. Liability for award or use of Mississippi Dyslexia Therapy Scholarship.

HISTORY: Laws, 2012, ch. 560, § 14; reenacted without change, Laws, 2016, ch. 429, § 14, eff from and after July 1, 2016.

Editor's Notes — This section was reenacted without change by Laws of 2016, ch. 429, § 14, effective from and after July 1, 2016. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2016 amendment reenacted the section without change.

§ 37-173-29. No expansion of regulatory authority of state over nonpublic schools beyond what is necessary to enforce this chapter.

HISTORY: Laws, 2012, ch. 560, § 15; reenacted without change, Laws, 2016, ch. 429, § 15, eff from and after July 1, 2016.

Editor's Notes — This section was reenacted without change by Laws of 2016, ch. 429, § 15, effective from and after July 1, 2016. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2016 amendment reenacted the section without change.

§ 37-173-31. Repealed.

Repealed by Laws of 2016, ch. 429, § 16, effective July 1, 2016.

§ 37-173-31. [Laws, 2012, ch. 560, § 16, eff from and after July 1, 2012.]

Editor's Notes — Former § 37-173-31 was the repealer for §§ 37-173-1 through 37-173-29.

CHAPTER 177.

LITERACY-BASED PROMOTION ACT

Sec.

37-177-1. Literacy-based Promotion Act established; purpose; determination of a reading deficiency in students in grades K through 3.

37-177-3. Written notification to parent or guardian of determination of reading deficiency; contents of notification.

37-177-5. Establishment of Mississippi Reading Panel; purpose; composition.

37-177-7. Selection of schools for reading intervention program; supervisory position in each school responsible for implementation of reading intervention program; use of data coaches pilot programs in certain "C" level or low performing districts or schools.

37-177-9. Assignment of grade level based on student's age or other social promotion prohibited; promotion to grade 4 prohibited unless reading deficiency remedied before end of grade 3.

37-177-11. Good cause exemption for promotion to grade 4 of student not meeting academic requirements.

37-177-13. Actions required of school districts for grade 3 students not promoted to grade 4.

§ 37-177-1. Literacy-based Promotion Act established; purpose; determination of a reading deficiency in students in grades K through 3.

(1) There is established an act prohibiting social promotion to be known as the "Literacy-Based Promotion Act," the purpose of which is to improve the reading skills of Kindergarten and First- through Third-Grade students enrolled in the public schools so that every student completing the Third Grade

is able to read at or above grade level. It is the intent of the Legislature, in establishing this act, to ensure that: each Kindergarten and First- through Third-Grade student's progression is determined, in part, upon the student's proficiency in reading; the policies of local school boards facilitate this proficiency; and each student and the student's parent or legal guardian is informed of the student's academic progress.

(2) Each public school student who exhibits a substantial deficiency in reading at any time, as demonstrated through performance on a reading screener approved or developed by the State Department of Education or through locally determined assessments and teacher observations conducted in Kindergarten and Grades 1 through 3 or through statewide end-of-year assessments or approved alternate yearly assessments in Grade 3, must be given intensive reading instruction and intervention immediately following the identification of the reading deficiency. The intensive reading instruction and intervention must be documented for each student in an individual reading plan, which includes, at a minimum, the following:

(a) The student's specific, diagnosed reading skill deficiencies as determined (or identified) by diagnostic assessment data;

(b) The goals and benchmarks for growth;

(c) How progress will be monitored and evaluated;

(d) The type of additional instructional services and interventions the student will receive;

(e) The research-based reading instructional programming the teacher will use to provide reading instruction, addressing the areas of phonemic awareness, phonics, fluency, vocabulary and comprehension;

(f) The strategies the student's parent is encouraged to use in assisting the student to achieve reading competency; and

(g) Any additional services the teacher deems available and appropriate to accelerate the student's reading skill development.

(3) The universal reading screener or locally determined reading assessment may be given in the first thirty (30) days of the school year and repeated if indicated at midyear and at the end of the school year to determine student progression in reading in Kindergarten through Third Grade. If it is determined that the student continues to have a reading deficiency, the student must be provided with continued intensive reading instruction and intervention by the school district until the reading deficiency is remedied. A student exhibiting continued reading deficiency with continued intensive interventions should be considered for exceptional criteria evaluation.

(4) A Kindergarten or First-, Second- or Third-Grade student identified with a deficiency in reading must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. The intensive intervention must include effective instructional strategies, and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade. A Kindergarten, First-, Second- or Third-Grade student identified with a reading deficiency or not promoted may be placed in a transition class.

HISTORY: Laws, 2013, ch. 495, § 1; Laws, 2016, ch. 451, § 1, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment hyphenated "First," "Second" and "Third Grade" throughout; and in (2), added the last sentence of the introductory paragraph, and added (a) through (g).

§ 37-177-3. Written notification to parent or guardian of determination of reading deficiency; contents of notification.

Immediately upon the determination of a reading deficiency, and subsequently with each quarterly progress report until the deficiency is remediated, the parent or legal guardian of a Kindergarten or First-, Second- or Third-Grade student who exhibits a substantial deficiency in reading must be notified in writing by the student's teacher of the following:

(a) That the student has been identified as having a substantial deficiency in reading;

(b) A description of the services that the school district currently is providing to the student;

(c) A description of the proposed supplemental instructional services and supports that are designed to remediate the identified area of reading deficiency which the school district plans to provide the student, as outlined in the student's individual reading plan;

(d) That if the student's reading deficiency is not remediated before the end of the student's Third-Grade year, the student will not be promoted to Fourth Grade unless a good cause exemption specified under Section 37-177-11 is met;

(e) Strategies for parents and guardians to use in helping the student to succeed in reading proficiency; and

(f) That while the state annual accountability assessment for reading in Third Grade is the initial determinant, it is not the sole determiner of promotion and that approved alternative standardized assessments are available to assist the school district in knowing when a child is reading at or above grade level and ready for promotion to the next grade.

HISTORY: Laws, 2013, ch. 495, § 2; Laws, 2016, ch. 451, § 2, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment hyphenated "First," "Second" and "Third Grade" throughout; and added "as outlined in the student's individual reading plan" at the end of (c).

§ 37-177-5. Establishment of Mississippi Reading Panel; purpose; composition.

The State Department of Education shall establish a Mississippi Reading Panel to collaborate with the State Department of Education in recommending appropriate equitable alternative standardized assessments and cut scores to

be used to determine promotion to the Fourth Grade of those Third-Grade students who did not score at the required achievement level on the state annual accountability assessment, as outlined in Section 37-177-9, or who, for unforeseen circumstances, were unable to take the assessment. The panel should have knowledge and input in the adoption or development of a universal screener for required use only in select schools most in need for the reading intervention program to identify reading deficiencies and determine progress. A suggestive list of no less than four (4) screening assessments should be available to schools not selected for the critical reading intervention program taking into consideration those screening assessments already being used satisfactorily in Mississippi elementary schools. An approved alternative standardized reading assessment may be used in years when the state is transitioning to a new state annual accountability assessment. The panel shall consist of six (6) members as follows: the State Superintendent of Education, or his/her designee, who will chair the committee; the Chair of the House Education Committee, or his designee; the Chairman of the Senate Education Committee, or his designee; one (1) member appointed by the Governor; and two (2) additional members appointed by the State Superintendent of Education.

HISTORY: Laws, 2013, ch. 495, § 3; Laws, 2016, ch. 451, § 3, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment, in the first sentence, hyphenated "Third Grade," substituted "did not score at the required" for "scored at the lowest" and inserted "as outlined in Section 37-177-9"; and substituted "used in years when the state is transitioning to a new state annual accountability assessment" for "used in 2014-2015 in the transition to common core standardization of testing" in the next-to-last sentence.

§ 37-177-7. Selection of schools for reading intervention program; supervisory position in each school responsible for implementation of reading intervention program; use of data coaches pilot programs in certain "C" level or low performing districts or schools.

The State Department of Education shall:

(a) Select schools most in need for the reading intervention program and create criteria for selection for participation based on number and percentages of students scoring in the lowest two (2) achievement levels on state-adopted yearly reading assessments, screening results, and other relevant data;

(b) Assign a supervisory position within each school to be responsible for the faithful implementation of the Reading Intervention Program; and

(c) Subject to legislative appropriation, the Mississippi Department of Education shall conduct a program with willing "C" level or low-performing districts and/or schools. The program shall focus on the use of data coaches to improve reading and literacy, to determine the effectiveness of intense

data-focused professional development, provide expert support in literacy and early reading instruction but it shall not necessarily be limited to literacy. Data coaches should be experts in both pedagogy and data analysis who facilitate professional learning community meetings, and provide observation and feedback, to help teachers and district leaders build skills in using data to inform instruction. Schools and districts selected by the department to participate in the program shall agree to involve the school and district leadership team as directed by the department. The Mississippi Department of Education is authorized to include pre-school programs it deems appropriate. The department is authorized to contract with a private sector provider to implement the program and work in partnership with four-year institutions of higher learning to develop and implement the program.

HISTORY: Laws, 2013, ch. 495, § 4; Laws, 2014, ch. 536, § 1; Laws, 2016, ch. 473, § 1, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment, in (c), in the first sentence, substituted "Subject to legislative appropriation" for "Beginning with the 2014-2015 school year," and deleted "pilot" preceding "program" and "in a geographically concise region" at the end, substituted "program" for "pilot" in the second sentence, added the fourth and fifth sentences, rewrote the former next-to-last sentence, which read: "The department is authorized to contract with a private sector provider to implement the pilot and work in partnership with a four-year institution of higher learning that has a center for literacy instruction to develop and implement the pilot," and deleted the former last sentence, which read: "The department shall also work in consultation with the Reading Panel regarding the development and implementation of the pilot program."

§ 37-177-9. Assignment of grade level based on student's age or other social promotion prohibited; promotion to grade 4 prohibited unless reading deficiency remedied before end of grade 3.

A public school student may not be assigned a grade level based solely on the student's age or any other factors that constitute social promotion.

Beginning in the 2014-2015 school year, if a student's reading deficiency is not remedied by the end of the student's Third-Grade year, as demonstrated by the student scoring at the lowest achievement level in reading on the state annual accountability assessment or on an approved alternative standardized assessment for Third Grade, the student shall not be promoted to Fourth Grade.

Beginning in the 2018-2019 school year, if a student's reading deficiency is not remedied by the end of the student's Third-Grade year, as demonstrated by the student scoring above the lowest two (2) achievement levels in reading on the state annual accountability assessment or on an approved alternative standardized assessment for Third Grade, the student shall not be promoted to Fourth Grade.

HISTORY: Laws, 2013, ch. 495, § 5; Laws, 2016, ch. 451, § 4, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment hyphenated "Third Grade" the first time it appears in the second paragraph; and added the last paragraph.

§ 37-177-11. Good cause exemption for promotion to grade 4 of student not meeting academic requirements.

(1) A Third-Grade student who does not meet the academic requirements for promotion to the Fourth Grade may be promoted by the school district only for good cause. Good cause exemptions for promotion are limited to the following students:

(a) Limited English proficient students who have had less than two (2) years of instruction in an English Language Learner program;

(b) Students with disabilities whose individual education plan (IEP) indicates that participation in the statewide accountability assessment program is not appropriate, as authorized under state law;

(c) Students with a disability who participate in the state annual accountability assessment and who have an IEP or a Section 504 plan that reflects that the individual student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading or previously was retained in Kindergarten or First, Second or Third Grade;

(d) Students who demonstrate an acceptable level of reading proficiency on an alternative standardized assessment approved by the State Board of Education; and

(e) Students who have received intensive intervention in reading for two (2) or more years but still demonstrate a deficiency in reading and who previously were retained in Kindergarten or First, Second or Third Grade for a total of two (2) years and have not met exceptional education criteria. A student who is promoted to Fourth Grade with a good cause exemption shall be provided an individual reading plan as described in Section 37-177-1(2), which outlines intensive reading instruction and intervention informed by specialized diagnostic information and delivered through specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers in implementing reading strategies that research has shown to be successful in improving reading among students with persistent reading difficulties.

(2) A request for good cause exemptions for a Third-Grade student from the academic requirements established for promotion to Fourth Grade must be made consistent with the following:

(a) Documentation must be submitted from the student's teacher to the school principal which indicates that the promotion of the student is appropriate and is based upon the student's record. The documentation must consist of the good cause exemption being requested and must clearly prove that the student is covered by one (1) of the good cause exemptions listed in subsection (1)(a) through (e) of this section.

(b) The principal shall review and discuss the recommendations with the teacher and parents and make a determination as to whether or not the

student should be promoted based on requirements set forth in this chapter. If the principal determines that the student should be promoted, based on the documentation provided, the principal must make the recommendation in writing to the school district superintendent, who, in writing, may accept or reject the principal's recommendation. The parents of any student promoted may choose that the student be retained for one (1) year, even if the principal and district superintendent determines otherwise.

HISTORY: Laws, 2013, ch. 495, § 6; Laws, 2016, ch. 451, § 5, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment, in (1), hyphenated "Third Grade" in the first sentence of the introductory paragraphs of (1) and (2); substituted "reading or previously" for "reading and previously" in (1)(c); and inserted "an individual reading plan as described in Section 37-177-1(2), which outlines" in the second sentence of (1)(e).

§ 37-177-13. Actions required of school districts for grade 3 students not promoted to grade 4.

Beginning in the 2014-2015 school year, each school district shall take the following actions for retained Third-Grade students:

(a) Provide Third-Grade students who are not promoted with intensive instructional services, progress monitoring measures, and supports to remediate the identified areas of reading deficiency, as outlined in the student's individual reading plan, including a minimum of ninety (90) minutes during regular school hours of daily, scientifically research-based reading instruction that includes phonemic awareness, phonics, fluency, vocabulary and comprehension, and other strategies prescribed by the school district, which may include, but are not limited to:

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

(iii) Tutoring in scientifically research-based reading services in addition to the regular school day;

(iv) The option of transition classes;

(v) Extended school day, week or year; and

(vi) Summer reading camps.

(b) Provide written notification to the parent or legal guardian of any Third-Grade student who is retained that the student has not met the proficiency level required for promotion and the reasons the student is not eligible for a good cause exemption. The notification must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency, as outlined in the student's individual reading plan. This notification must be provided to the parent or legal guardian in writing, in a format adopted by the State Board of Education in addition to report cards given by the teacher.

(c) Provide Third-Grade students who are retained with a high-performing teacher, as determined by student performance data, particularly related to student growth in reading, above-satisfactory performance appraisals, and/or specific training relevant to implementation of this chapter.

(d) Provide parents and legal guardians of Third-Grade students with a "Read at Home" plan outlined in a parental contract, including participation in regular parent-guided home reading.

HISTORY: Laws, 2013, ch. 495, § 7; Laws, 2016, ch. 451, § 6, eff from and after July 1, 2016.

Amendment Notes — The 2016 amendment hyphenated "Third Grade students" throughout; and inserted "as outlined in the student's individual reading plan" in the first sentence of (a) and in the second sentence of (b).

CHAPTER 179.

DISTRICTS OF INNOVATION

Sec.

37-179-1. Creation of districts of innovation; purpose; definitions; administrative rules and regulations.

37-179-3. Responsibilities of districts applying to be designated as districts of innovation; requirements of districts and all schools participating in a district's innovation plan.

§ 37-179-1. Creation of districts of innovation; purpose; definitions; administrative rules and regulations.

(1) For purposes of this chapter, the following terms shall have the meaning ascribed herein, unless the context clearly indicates otherwise:

(a) "District of innovation" means a district that has developed a plan of innovation in compliance with this section and has been approved by the State Board of Education to be exempted from certain administrative regulations and statutory provisions to improve the educational performance of students within the district;

(b) "Innovation" means a new or creative alternative to existing instructional and administrative practices intended to improve student learning and student performance of all students;

(c) "School of innovation" means a school that voluntarily participates in a district of innovation plan to improve instruction, including waivers and exemptions from local school board policies, selected provisions of rules and regulations promulgated by the State Board of Education, and selected sections of the Mississippi Code of 1972, as permitted under this section and Section 37-179-3;

(d) "Board" means the State Board of Education;

(e) "Department" means the State Department of Education.

(2) The State Board of Education is authorized to approve districts of innovation for the purposes of improving students' educational performance. Districts of innovation shall be provided flexibility from selected board regulations, Title 37, Mississippi Code of 1972, and local school board policies for school administrators, teachers and staff to meet the diverse needs of students. The initial approval of a district of innovation shall be for a five-year period.

Each renewal of a district of innovation shall not exceed five (5) years and shall comply with administrative regulations promulgated by the board pursuant to subsection (4) of this section.

(3) The board shall promulgate administrative rules and regulations to prescribe the conditions and procedures to be used by a local school board to be approved as a district of innovation and shall publish the same on or before December 31, 2015.

(4) Administrative rules and regulations promulgated by the board under subsection (3) of this section shall specify:

(a) The regulatory areas which may be exempted or modified if approved by the board, except as provided in Section 37-179-3(2), and in addition to those areas identified in Section 37-179-3(3);

(b) The application, plan review, approval and amendment process for a district;

(c) Timelines for initial approval as a district of innovation, the renewal process and ongoing evaluative procedures required of the district;

(d) Acceptable documentation of a critical mass of parental, community, educator and business support and capacity to effect a change;

(e) Evidence of teacher collaboration and shared leadership within the district and the schools to be designated as schools of innovation;

(f) The process of revocation of the designation of district of innovation or school of innovation;

(g) Reporting and oversight responsibilities of the district and the State Department of Education;

(h) The financial detail relating to budgets of schools and evidence of sound fiscal management practices;

(i) Acceptable areas of emphasis for innovation;

(j) Acceptable documentation of job-embedded professional development within the proposed innovation design; and

(k) Other components deemed necessary to implement this section and Section 37-179-3.

HISTORY: Laws, 2015, ch. 425, § 1, eff from and after July 1, 2015.

§ 37-179-3. Responsibilities of districts applying to be designated as districts of innovation; requirements of districts and all schools participating in a district's innovation plan.

(1) A district which is an applicant to be designated as a district of innovation under Section 37-179-1 shall:

(a) Establish goals and performance targets for the district of innovation proposal, which may include:

(i) Reducing achievement gaps among groups of public school students by expanding learning experiences for students who are identified as academically low-achieving;

(ii) Increasing pupil learning through the implementation of high, rigorous standards for pupil performance;

(iii) Increasing the participation of students in various curriculum components and instructional components within selected schools to enhance at each grade level;

(iv) Increasing the number of students who are college and career-ready;

(v) Motivating students at different grade levels by offering more curriculum choices and student learning opportunities to parents and students within the district;

(b) Identify changes needed in the district and schools to lead to better prepared students for success in life and work;

(c) Have a districtwide plan of innovation that describes and justifies which schools and innovative practices will be incorporated;

(d) Provide documentation of community, educator, parental, and the local board's support of the proposed innovations;

(e) Provide detailed information regarding the rationale of requests for waivers from Title 37, Mississippi Code of 1972, which relate to the elementary and secondary education of public school students, and administrative regulations, and exemptions for selected schools regarding waivers of local school board policies;

(f) Document the fiscal and human resources the board will provide throughout the term of the implementation of the innovations within its plan; and

(g) Provide other materials as required by the department in compliance with the board's administrative regulations and application procedures.

(2) The district and all schools participating in a district's innovation plan shall:

(a) Ensure the same health, safety, civil rights, and disability rights requirements as are applied to all public schools;

(b) Ensure students meet compulsory attendance requirements under Sections 37-13-91 and 37-13-92;

(c) Ensure that high school course offerings meet or exceed the minimum required under Sections 37-16-7 and 37-3-49, for high school graduation or meet early graduation requirements that may be enacted by the Mississippi Legislature;

(d) Ensure the student performance standards meet or exceed those adopted by the State Board of Education as required by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance with the statewide assessment system specified in Chapter 16, Title 37, Mississippi Code of 1972;

(e) Adhere to the same financial audits, audit procedures, and audit requirements as are applied under Section 7-7-211(e);

(f) Require state and criminal background checks for staff and volunteers as required of all public school employees and volunteers within the public schools and specified in Section 37-9-17;

(g) Comply with open records and open meeting requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

(h) Comply with purchasing requirements and limitations under Chapter 39, Title 37, Mississippi Code of 1972;

(i) Provide overall instructional time that is equivalent to or greater than that required under Sections 37-1-11 and 37-13-67, but which may include on-site instruction, distance learning, online courses, and work-based learning on nontraditional school days or hours; and

(j) Provide data to the department as deemed necessary to generate school and district reports.

(3)(a) Only schools that choose to be designated as schools of innovation shall be included in a district's application;

(b) As used in this paragraph, "eligible employees" means employees that are regularly employed at the school and those employees whose primary job duties will be affected by the plan; and

(c) Notwithstanding the provisions of paragraph (a) of this subsection, a local school board may require a school that has been identified as a persistently low-achieving school under provisions of Section 37-17-6 to participate in the district's plan of innovation.

(4) Notwithstanding any statutes to the contrary, the board may approve the requests of districts of innovation to:

(a) Use capital outlay funds for operational costs;

(b) Hire persons for classified positions in nontraditional school and district assignments who have bachelors and advanced degrees from post-secondary education institutions accredited by a regional accrediting association (Southern Association of Colleges and Schools) or by an organization affiliated with the National Commission on Accrediting;

(c) Employ teachers on extended employment contracts or extra duty contracts and compensate them on a salary schedule other than the single salary schedule;

(d) Extend the school days as is appropriate within the district with compensation for the employees as determined locally;

(e) Establish alternative education programs and services that are delivered in nontraditional hours and which may be jointly provided in cooperation with another school district or consortia of districts;

(f) Establish online classes within the district for delivering alternative classes in a blended environment to meet high school graduation requirements;

(g) Use a flexible school calendar;

(h) Convert existing schools into schools of innovation; and

(i) Modify the formula under Section 37-151-7 for distributing support education funds for students in average daily attendance in nontraditional programming time, including alternative programs and virtual programs. Funds granted to a district shall not exceed those that would have otherwise been distributed based on average daily attendance during regular instructional days.

HISTORY: Laws, 2015, ch. 425, § 2, eff from and after July 1, 2015.

CHAPTER 181.

EQUAL OPPORTUNITY FOR STUDENTS WITH SPECIAL NEEDS ACT

Sec.

37-181-1. Title [Repealed effective June 30, 2024].
37-181-3. Definitions [Repealed effective July 1, 2024].
37-181-5. Parental obligations to qualify eligible student for program participation; use of Education Scholarship Account funds [Repealed effective June 30, 2024].
37-181-7. Funding of Education Scholarship Accounts; approval of eligible students for program participation to be on a phased-in basis [Repealed effective July 1, 2024].
37-181-9. Responsibilities of department [Repealed effective June 30, 2024].
37-181-11. Adoption of rules and policies for administration of program; development of system for payment of benefits; prevention of fraud [Repealed effective June 30, 2024].
37-181-13. PEER to prepare biannual report on sufficiency of funds for Education Scholarship Accounts [Repealed effective June 30, 2024].
37-181-15. Obligations of schools to become and remain eligible [Repealed effective July 1, 2024].
37-181-17. Education Scholarship Account program does not expand state regulatory authority or impose additional regulation of schools participating in program [Repealed effective July 1, 2024].
37-181-19. Sources of funding of Education Scholarship Accounts [Repealed effective July 1, 2024].
37-181-21. Severability [Repealed effective June 30, 2024].
37-181-23. Repeal of Sections 37-181-1 through 37-181-23 [Effective until July 1, 2024].

§ 37-181-1. Title [Repealed effective June 30, 2024].

This chapter shall be known and may be cited as "The Equal Opportunity for Students with Special Needs Act."

HISTORY: Laws, 2015, ch. 441, § 1, eff from and after passage (approved Apr. 16, 2015); reenacted without change, Laws, 2020, ch. 386, § 1, eff from and after passage (approved June 25, 2020).

Editor's Notes — For repeal of this section, see Section 37-181-23.

Section 12 of Chapter 441, Laws of 2015, which repealed this section effective June 30, 2020, was amended by Section 12 of Chapter 386, Laws of 2020, to delete the repealer.

Amendment Notes — The 2020 amendment, effective June 25, 2020, reenacted the section without change.

§ 37-181-3. Definitions [Repealed effective July 1, 2024].

The terms used in this chapter shall have the meanings ascribed herein, unless the context clearly indicates otherwise:

(a) "ESA program" means the Education Scholarship Account (ESA) program created in this chapter.

(b) "Eligible student" means any student who has had an active Individualized Education Program (IEP) within the past three (3) years and has maintained eligibility.

(c) "Participating student" means any student who meets the qualifications of an eligible student as defined in paragraph (b) of this section and is participating in an ESA program at an eligible school.

(d) "Parent" means a resident of this state who is a parent, legal guardian, custodian or other person with the authority to act on behalf of the eligible student.

(e) "Department" means the State Department of Education.

(f) "Home school district" means the public school district in which the student resides.

(g) "Eligible school" means a state-accredited special purpose school, a state-accredited nonpublic school, or a nonpublic school located in the state that has enrolled a participating student and is providing services for the participating student's disability or special education needs, or is providing services addressing a participating student's IEP. An eligible school does not include a home instruction program under Section 37-13-91, Mississippi Code of 1972.

(h) "Tutor" means a person who is certified or licensed by a state, regional, or national certification, licensing, or accreditation organization or who has earned a valid teacher's license or who has experience teaching at an eligible postsecondary institution.

(i) "Postsecondary institution" means a community college, college, or university accredited by a state, regional or national accrediting organization.

(j) "Educational service provider" means an eligible school, tutor, or other person or organization that provides education-related services and products to participating students.

(k) "Awarded ESA school year" means the duration of the school year in which ESA program funds are deposited in a student's ESA.

(*l*) Nothing in this section shall negate federal law requiring public school districts to identify and provide services to students with disabilities who live within the public school district, including those enrolled in nonpublic schools or home instruction programs.

(m) An eligible school shall provide notice to a participating student's home school district when the eligible student enrolls in the eligible school with an ESA. Furthermore, a public school district providing special education services to a participating student enrolled in an eligible school shall be reimbursed by the eligible school, or parent or guardian who submitted the ESA application, fair market value for any special education services rendered to the eligible student in an amount not to exceed the amount of ESA funds reimbursed to the eligible student during the awarded ESA school year.

HISTORY: Laws, 2015, ch. 441, § 2; Laws, 2016, ch. 425, § 1, eff from and after July 1, 2016; Laws, 2020, ch. 386, § 2, eff from and after passage (approved June 25, 2020).

Editor's Notes — For repeal of this section, see Section 37-181-23.

Section 12 of Chapter 441, Laws of 2015, which repealed this section effective June 30, 2020, was amended by Section 12 of Chapter 386, Laws of 2020, to delete the repealer.

Amendment Notes — The 2016 amendment substituted "five (5) years" for "eighteen (18) months" in (b).

The 2020 amendment, effective June 25, 2020, in (a), added "ESA" and deleted "a five-year pilot program to implement" following "means"; in (b), substituted "three (3)" for "five (5)" and added "and has maintained eligibility"; added (c), and redesignated former (c) through (i) as (d) trough (j); rewrote (g), which read: "'Eligible school' means a nonpublic school that has enrolled a participating student. An eligible school must be accredited by a state or regional accrediting agency or possess a provisional letter of accreditation from a state or regional accrediting agency or be approved/licensed by the State Department of Education. An eligible school does not include a home instruction program under Section 37-13-91, Mississippi Code of 1972"; in (h), inserted "or accreditation" and made a related change; and added (*l*) and (m).

§ 37-181-5. Parental obligations to qualify eligible student for program participation; use of Education Scholarship Account funds [Repealed effective June 30, 2024].

(1) An eligible student shall qualify to participate in the ESA program if the parent signs an agreement promising:

(a) To provide an organized, appropriate educational program with measurable annual goals to their participating student and to provide an education for the participating student in at least the subjects of reading, grammar, mathematics, social studies and science;

(b) To document their participating student's disability at intervals and in a manner required under subsection (8) of this section;

(c) Not to enroll their participating student in a public school and to acknowledge as part of the agreement that the eligible school has provided clear notice to the parent that the participating student has no individual entitlement to a free appropriate public education (FAPE) from their home school district, including special education and related services, for as long as the student is participating in the ESA program;

(d) Not to file for their participating student a certificate of enrollment indicating participation in a home instruction program under Section 37-13-91, Mississippi Code of 1972; and

(e) Not to participate in the Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program or the Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program while participating in the ESA program.

(2) Parents shall use the funds deposited in a participating student's ESA for any of the following qualifying expenses, which shall be incurred within the awarded ESA school year, to educate the student using any of the below

methods or combination of methods that meet the requirement in subsection (1)(a) of this section:

(a) Tuition and/or academic fees at an eligible school;

(b) Textbooks related to academic coursework;

(c) Payment to a tutor, as defined in Section 37-181-3(h);

(d) Payment for purchase of curriculum, including any supplemental materials required by the curriculum;

(e) Fees for nationally standardized norm-referenced achievement tests, including alternate assessments; and fees for Advanced Placement examinations or similar courses and any examinations related to college or university admission;

(f) Educational services or therapies from a licensed or certified practitioner or provider, including licensed or certified paraprofessionals or educational aides;

(g) Tuition and fees related to dual enrollment at a postsecondary institution;

(h) Textbooks related to academic coursework at a postsecondary institution;

(i) Surety bond payments if required by the department;

(j) No more than Fifty Dollars ($50.00) in annual consumable school supplies necessary for educational services and therapies, daily classroom activities, and tutoring;

(k) Computer hardware and software and other technological devices if an eligible school, licensed or certified tutor, licensed or certified educational service practitioner or provider, or licensed medical professional verifies in writing that these items are essential for the student to meet annual, measurable educational and academic goals or goals within the scope of the eligible student's IEP. Once a student is no longer participating in the ESA program, computer hardware and software and other technological devices purchased with ESA funds shall be donated to a public school or public library. Qualifying expenses for computer hardware and software include only those expenses incurred within the awarded ESA school year.

(3) Neither a participating student, nor anyone on the student's behalf, may receive cash or cash-equivalent items, such as gift cards or store credit, from any refunds or rebates from any provider of services or products in the ESA program. Any refunds or rebates shall be credited directly to the participating student's ESA. The funds in an ESA may only be used for education-related purposes as defined in this chapter.

(4)(a) Eligible schools, postsecondary institutions and educational service providers that serve participating students shall provide the parent or guardian who submitted the ESA program application with an original itemized receipt, including the service provider's name and address, for all qualifying expenses. The parent or guardian who submitted the ESA application shall provide the original itemized receipt to the department.

(b) In lieu of providing the parent or guardian who submitted the ESA program application with an original itemized receipt, the eligible schools,

postsecondary institutions and educational service providers may provide to the department an original itemized receipt approved and signed off on by the parent or guardian who submitted the ESA application, including the service provider's name and address, for all qualifying expenses.

(5) Payment for educational services through an ESA shall not preclude parents from paying for educational services using non-ESA funds.

(6) For purposes of continuity of educational attainment, students who enroll in the ESA program shall remain eligible to receive quarterly ESA payments until the participating student returns to a public school, completes high school, completes the school year in which the student reaches the age of twenty-one (21), or does not have eligibility verified by a parent as required under subsection (8) of this section, whichever occurs first.

(7) Any funds remaining in a student's Education Scholarship Account upon completion of high school shall be returned to the state's General Fund.

(8) Every three (3) years after initial enrollment in the ESA program, a parent of a participating student, except a student diagnosed as being a person with a permanent disability, shall document that the student continues to be identified by the school district, a federal or state government agency, or a licensed physician or psychometrist as a child with a disability, as defined by the federal Individuals with Disabilities Education Act (20 USCS Section 1401(3)).

(9) An eligible student shall be allowed to return to his home school district at any time after enrolling in the ESA program, in compliance with regulations adopted by the department providing for the least disruptive process for doing so. Upon the participating student's return to his or her home school district, the student's Education Scholarship Account shall be closed and any remaining funds shall be distributed to the student's home school district at the end of the awarded ESA school year.

(10) The department shall begin accepting applications for the ESA program on July 1, 2020.

HISTORY: Laws, 2015, ch. 441, § 3, eff from and after passage (approved Apr. 16, 2015); Laws, 2020, ch. 386, § 3, eff from and after passage (approved June 25, 2020).

Editor's Notes — For repeal of this section, see Section 37-181-23.

Section 12 of Chapter 441, Laws of 2015, which repealed this section effective June 30, 2020, was amended by Section 12 of Chapter 386, Laws of 2020, to delete the repealer.

Amendment Notes — The 2020 amendment, effective June 25, 2020, in (1), inserted "ESA"; in (1)(a), deleted "to the extent reasonably deemed appropriate by the parent" preceding "to provide an education" and substituted "participating student in at least" for "qualified student in at least"; in (1)(c), substituted "eligible school" for "home school district" and inserted "ESA"; in (2), inserted "which shall be incurred within the awarded ESA school year"; in (2)(a) inserted "academic"; in (2)(b), added "related to academic coursework"; in (2)(c), added "as defined in Section 37-181-3(h)"; deleted former (2)(e) and (f), which read: "(e) Fees for transportation to and from an educational service provider paid to a fee-for-service transportation provider; (f) Tuition and/or fees for online learning programs or courses"; redesignated former (2)(g) and (h) as (2)(e) and

(f); deleted former (i), which read: "Services provided by a public school, including individual classes and extracurricular programs"; redesignated former (2)(j) through (n) as (2)(g) through (k); in (2)(g), inserted "related to dual enrollment"; in (2)(h), inserted "academic"; and in (2)(k), inserted "educational and academic" and "or goals within the cope of the eligible student's IEP" in the first sentence, and rewrote the last sentence, which read: "Once a student is no longer eligible for the program, computer hardware and software and other technological devices purchased with ESA funds may be donated to a library or a nonprofit organization with expertise and training in working with parents to educate children with disabilities or a nonprofit organization with expertise and training in working with disabled adults"; in (3), added "as defined in this chapter"; rewrote the former last sentence of (3), which read: "Eligible schools, postsecondary institutions and educational service providers that serve participating students shall provide parents with a receipt for all qualifying expenses," designated it (4)(a), and therein, added the last sentence, and added (4)(b); redesignated former (4+L614) as (5); deleted former (5), which prohibited ESA funds from being used to attend an out-of-state school with two exceptions; in (6), inserted "ESA" preceding "program" in (6) and (8) through (10); in (9), substituted "An eligible" for "A participating," inserted "or her," substituted "distributed to the student's home school district at the end of the awarded ESA school year" for "returned to the state's General Fund," and made minor stylistic changes; and in (10), substituted "July 1, 2020" for "July 1, 2015."

Cross References — Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program, see § 37-173-1 et seq.

Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program, see § 37-175-1 et seq.

§ 37-181-7. Funding of Education Scholarship Accounts; approval of eligible students for program participation to be on a phased-in basis [Repealed effective July 1, 2024].

(1) The ESA program created in this chapter shall be limited to five hundred (500) students in the school year 2015-2016, with new enrollment limited to five hundred (500) additional students each year thereafter. Subject to appropriation from the General Fund, each student's ESA shall be funded at Six Thousand Five Hundred Dollars ($6,500.00) for school year 2015-2016. For each subsequent year, this amount shall increase or decrease by the same proportion as the base student cost under Section 37-151-7(1)(b) is increased or decreased.

(2) Subject to appropriation, eligible students shall be approved for participation in the ESA program as follows:

(a) Until participation in the ESA program reaches fifty percent (50%) of the annual enrollment limits in subsection (1) of this section, students shall be approved on a first-come, first-served basis, with applications being reviewed on a rolling basis;

(b) After participation reaches fifty percent (50%) of the annual enrollment limits in subsection (1) of this section, the department shall set annual application deadlines for the remaining number of available ESAs and begin to maintain a waiting list of eligible students. The waitlist will be maintained in the chronological order in which applications are received. The department shall award ESA program applications in chronological order according to the waitlist; and

(c) Participating students who remain eligible for the ESA program are automatically approved for participation for the following year and are not subject to the random selection process.

(3) No funds for an ESA may be expended from the Mississippi Adequate Education Program, nor shall any school district be required to provide funding for an ESA.

HISTORY: Laws, 2015, ch. 441, § 4, eff from and after passage (approved Apr. 16, 2015); Laws, 2020, ch. 386, § 4, eff from and after passage (approved June 25, 2020).

Editor's Notes — For repeal of this section, see Section 37-181-23.

Section 12 of Chapter 441, Laws of 2015, which repealed this section effective June 30, 2020, was amended by Section 12 of Chapter 386, Laws of 2020, to delete the repealer.

Amendment Notes — The 2020 amendment, effective June 25, 2020, inserted "ESA" preceding "program" in (2), (2)(a) and (2(c); and in (2)(b), substituted the present last sentence for the former last sentence, which read: "If the number of eligible students who apply for the program exceeds the remaining number of ESAs available, the department shall fill the available spaces using a random selection process that gives preference to students with an active Individualized Education Program (IEP)."

§ 37-181-9. Responsibilities of department [Repealed effective June 30, 2024].

(1) The department shall create a standard form that parents of students submit to establish their student's eligibility for an Education Scholarship Account. The department shall ensure that the application is readily available to interested families through various sources, including the department's website and the copy of procedural safeguards annually given to parents.

(2) The department shall provide parents of participating students with a written explanation of the allowable uses of Education Scholarship Accounts, the responsibilities of parents and the duties of the department. This information shall also be made available on the department's website.

(3) The department shall annually notify all students with an IEP of the existence of the ESA program and shall ensure that lower-income families are made aware of their potential eligibility.

(4) The department may deduct an amount up to a limit of six percent (6%) from appropriations used to fund Education Scholarship Accounts to cover the costs of overseeing the funds and administering the ESA program.

(5)(a) The department shall make a determination of eligibility, and shall approve the application, within twenty-one (21) business days of receiving an application for participation in the ESA program, subject to the provisions of Section 37-181-3(b).

(b) The department shall provide for a procedure that children with a ruling of hearing impairment or children suspected of a hearing loss shall receive a comprehensive educational assessment which may include the areas of cognitive development, language/speech, audiological and academic achievement from the state-funded Mississippi Assistance Center for Hear-

ing Loss. Children with a ruling of visual impairment or children suspected of a visual impairment shall receive a comprehensive low vision evaluation from the state-funded Low Vision Clinic.

(6) The home school district shall provide the parent of a participating student with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974 (20 USCS Section 1232(g)). The record shall be provided no later than thirty (30) days after a parent signs an agreement to participate in the ESA program.

HISTORY: Laws, 2015, ch. 441, § 5, eff from and after passage (approved Apr. 16, 2015); Laws, 2020, ch. 386, § 5, eff from and after passage (approved June 25, 2020).

Editor's Notes — For repeal of this section, see Section 37-181-23.

Section 12 of Chapter 441, Laws of 2015, which repealed this section effective June 30, 2020, was amended by Section 12 of Chapter 386, Laws of 2020, to delete the repealer.

Amendment Notes — The 2020 amendment, effective June 25, 2020, inserted "ESA" preceding "program" in (3) through (5)(a) and (6); and deleted former (7), which read: "The State Board of Education may contract with a qualified nonprofit organization with expertise and training in working with parents to educate children with disabilities to administer the program."

§ 37-181-11. Adoption of rules and policies for administration of program; development of system for payment of benefits; prevention of fraud [Repealed effective June 30, 2024].

(1) To ensure that funds are spent appropriately, the State Department of Education shall adopt rules and policies necessary for the administration of the ESA program, including the auditing of Education Scholarship Accounts, and shall conduct or contract for random audits throughout the year.

(2)(a) The department shall develop a system for payment of benefits, including, but not limited to, allowing educational service providers to invoice the department for qualified expenses consistent with Section 37-181-5(2), or allowing the parent or guardian who submitted the ESA program application to seek reimbursement for qualified expenses consistent with Section 37-181-5(2).

(b) The department may make payments to educational service providers or reimbursement to the parent or guardian who submitted the ESA program application via check or warrant or electronic funds transfer or any other means of payment deemed to be commercially viable or cost-effective.

(c) The department may also establish by rule that some payments to educational service providers will be made on a quarterly basis, rather than an annual basis, if the educational services will be rendered over an extended period of time.

(3) The department shall adopt a process for removing educational service providers that defraud parents and for referring cases of fraud to law enforcement.

(4) The department shall establish or contract for the establishment of an online anonymous fraud reporting service.

(5) The department shall establish or contract for the establishment of an anonymous telephone hotline for fraud reporting.

HISTORY: Laws, 2015, ch. 441, § 6, eff from and after passage (approved Apr. 16, 2015); Laws, 2020, ch. 386, § 6, eff from and after passage (approved June 25, 2020).

Editor's Notes — For repeal of this section, see Section 37-181-23.

Section 12 of Chapter 441, Laws of 2015, which repealed this section effective June 30, 2020, was amended by Section 12 of Chapter 386, Laws of 2020, to delete the repealer.

Amendment Notes — The 2020 amendment, effective June 25, 2020, in (1), inserted "ESA" preceding "program"; in (2)(a), deleted "or qualified nonprofit" following "The department," deleted "or designated nonprofit" preceding "for qualified expenses" and substituted "allowing the parent or guardian who submitted the ESA program application" for "allowing parents"; and in (2)(b), deleted "or qualified nonprofit" following "The department" and substituted "reimbursement to the parent or guardian who submitted the ESA program application" for "reimbursement to parents."

§ 37-181-13. PEER to prepare biannual report on sufficiency of funds for Education Scholarship Accounts [Repealed effective June 30, 2024].

(1) The Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall prepare a biannual report, beginning in 2018 and every two (2) years thereafter, assessing efficacy of Education Scholarship Accounts, to include the sufficiency of funding, and recommending any suggested changes in state law or policy necessary to improve the ESA program.

(2) The report shall assess:

(a) The degree to which eligible schools are meeting the needs of participating students as defined by the participating students' IEPs;

(b) The level of participating students' satisfaction with the ESA program;

(c) The level of parental satisfaction with the ESA program;

(d) Participating students' performance, both pre-assessment and post-assessment, on the eligible school's current assessment used to demonstrate academic progress, a nationally standardized norm-referenced achievement test, or a current state board-approved screener, as required in Section 37-181-15(f);

(e) Participating students' performance on Advanced Placement examinations or similar courses and any examinations related to college or university admission;

(f) The four-year high school graduation rates and college acceptance rates of participating students;

(g) The percentage of funds used for each qualifying expense identified in Section 37-181-5(2); and

(h) The fiscal impact to the state and home school districts of the ESA program, which must consider both the impact on revenue and the impact on expenses. Furthermore, the fiscal savings associated with students departing public schools must be explicitly quantified, even if the public school losing the student(s) does not reduce its spending accordingly.

(3) The report shall:

(a) Apply appropriate analytical and behavioral science methodologies to ensure public confidence in the study; and

(b) Protect the identity of participating students and schools by, among other things, keeping anonymous all disaggregated data.

(4) PEER may accept grants to assist in funding the study.

(5) PEER shall provide the Legislature with a final copy of the report of the ESA program before December 31 each year the report is due. At the same time, the study shall also be placed in a prominent location on the PEER website.

(6) PEER must make its data and methodology available for public review while complying with the requirements of the Family Educational Rights and Privacy Act (20 USCS Section 1232(g)).

HISTORY: Laws, 2015, ch. 441, § 7, eff from and after passage (approved Apr. 16, 2015); Laws, 2020, ch. 386, § 7, eff from and after passage (approved June 25, 2020).

Editor's Notes — For repeal of this section, see Section 37-181-23.

Section 12 of Chapter 441, Laws of 2015, which repealed this section effective June 30, 2020, was amended by Section 12 of Chapter 386, Laws of 2020, to delete the repealer.

Amendment Notes — The 2020 amendment, effective June 25, 2020, substituted "assessing efficacy of Education Scholarship Accounts, to include the sufficiency of funding" for "assessing the sufficiency of funding for Education Scholarship Accounts" and inserted "ESA"; in (2), added (a) and redesignated the remaining paragraphs accordingly, in (b), (c) and (h), inserted "ESA" preceding "program," rewrote (d), which read: "Student performance on nationally standardized norm-referenced achievement tests for those participating students whose parents have requested participation in such tests," in (e), added "Participating" and substituted "students'" for "student," in (f), inserted "four-year," and in (g), added "and" at the end; and in (5), substituted "report of the ESA program before December 31 each year the report is due" for "evaluation of the program before December 31, 2018."

§ 37-181-15. Obligations of schools to become and remain eligible [Repealed effective July 1, 2024].

To ensure that students are treated fairly and kept safe, all eligible schools shall:

(a) Comply with the nondiscrimination policies set forth in 42 USCS 1981;

(b) Prior to a participating student's application for enrollment, provide parents with details of the school's programs, record of student achievement, qualifications, experience, capacities to serve students with special needs, and capacity to serve the participating student within the scope of their IEP;

(c) Comply with all health and safety laws or codes that apply to nonpublic schools;

(d) Hold a valid occupancy permit if required by their municipality;

(e) Have no public record of fraud or malfeasance;

(f) Require participating students to take a pre-assessment at the beginning of the school year and a post-assessment at the end of the school year. The eligible school shall have the option to select their current assessment used to demonstrate academic progress, a nationally standardized norm-referenced achievement test, or a current state board-approved screener;

(g) Notify a parent or guardian applying for the ESA program that the parent or guardian waives the right of the participating student to an individual entitlement to a free and appropriate public education (FAPE) from their home school district, including special education and related services, for as long as the student is participating in the ESA program;

(h) Conduct criminal background checks on employees and:

(i) Exclude from employment any person not permitted by state law to work in a nonpublic school; and

(ii) Exclude from employment any person who might reasonably pose a threat to the safety of students; and

(i) An eligible school shall certify to the department upon enrollment of a participating student that the eligible school shall provide services for the participating student's disability or special education needs, or shall provide services addressing a participating student's IEP.

HISTORY: Laws, 2015, ch. 441, § 8, eff from and after passage (approved Apr. 16, 2015); Laws, 2020, ch. 386, § 8, eff from and after passage (approved June 25, 2020).

Editor's Notes — For repeal of this section, see Section 37-181-23.

Section 12 of Chapter 441, Laws of 2015, which repealed this section effective June 30, 2020, was amended by Section 12 of Chapter 386, Laws of 2020, to delete the repealer.

Amendment Notes — The 2020 amendment, effective June 25, 2020, in (b), inserted "record of student achievement" and "and capacity to serve the participating student within the scope of their IEP" and made a related change; rewrote (f), which read: "Offer participating students the option of taking a nationally standardized norm-referenced achievement test"; added (g) and redesignated former (g) as (h) and therein deleted the former last sentence, which read: "The eligible school then shall" and added "and"; and added (i) and made a related change.

§ 37-181-17. Education Scholarship Account program does not expand state regulatory authority or impose additional regulation of schools participating in program [Repealed effective July 1, 2024].

(1) An eligible nonpublic school is autonomous and not an agent of the state or federal government and therefore:

(a) The State Department of Education or any other government agency shall not regulate the educational program of a nonpublic school, postsec-

ondary institution or educational service provider that accepts funds from the parent of a participating student beyond the requirements of the ESA program as promulgated in this chapter;

(b) The creation of the Education Scholarship Account program does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of nonpublic schools, postsecondary institutions or educational service providers beyond those necessary to enforce the requirements of the ESA program; and

(c) Eligible schools, postsecondary institutions and educational service providers shall be given the maximum freedom to provide for the educational needs of their students without governmental control. No eligible school, postsecondary institution or educational service provider shall be required to alter its creed, practices, admission policies or curriculum in order to accept participating students.

(2) Eligible schools, or the parent or guardian who submitted the ESA application, must submit student performance data to the State Department of Education at the end of the school year, including the individual results of the pre-assessment and post-assessment required in Section 37-181-15(f).

(3) In any legal proceeding challenging the application of this chapter to an eligible school, postsecondary institution or educational service provider the state bears the burden of establishing that the law is necessary and does not impose any undue burden on the eligible school, postsecondary institution or educational service provider.

HISTORY: Laws, 2015, ch. 441, § 9, eff from and after passage (approved Apr. 16, 2015); Laws, 2020, ch. 386, § 9, eff from and after passage (approved June 25, 2020).

Editor's Notes — For repeal of this section, see Section 37-181-23.

Section 12 of Chapter 441, Laws of 2015, which repealed this section effective June 30, 2020, was amended by Section 12 of Chapter 386, Laws of 2020, to delete the repealer.

Amendment Notes — The 2020 amendment, effective June 25, 2020, in (1)(a), deleted "in any way" following "government agency shall not" and added "beyond the requirements of the ESA program as promulgated in this chapter"; in (1)(b), inserted "ESA" following "requirements of the"; and added (2), and redesignated former (2) as (3).

§ 37-181-19. Sources of funding of Education Scholarship Accounts [Repealed effective July 1, 2024].

The State Department of Education may receive and expend contributions from any public or private source to fund ESAs for participating students.

HISTORY: Laws, 2015, ch. 441, § 10, eff from and after passage (approved Apr. 16, 2015); reenacted without change, Laws, 2020, ch. 386, § 10, eff from and after passage (approved June 25, 2020).

Editor's Notes — For repeal of this section, see Section 37-181-23.

Section 12 of Chapter 441, Laws of 2015, which repealed this section effective June

30, 2020, was amended by Section 12 of Chapter 386, Laws of 2020, to delete the repealer.

Amendment Notes — The 2020 amendment, effective June 25, 2020, reenacted the section without change.

§ 37-181-21. Severability [Repealed effective June 30, 2024].

If any provision of this law or its application is held invalid, the invalidity does not affect other provisions or applications of this law which can be given effect without the invalid provision or application and to this end the provisions of this law are severable.

HISTORY: Laws, 2015, ch. 441, § 11, eff from and after passage (approved Apr. 16, 2015); reenacted without change, Laws, 2020, ch. 386, § 11, eff from and after passage (approved June 25, 2020).

Editor's Notes — For repeal of this section, see Section 37-181-23.

Section 12 of Chapter 441, Laws of 2015, which repealed this section effective June 30, 2020, was amended by Section 12 of Chapter 386, Laws of 2020, to delete the repealer.

Amendment Notes — The 2020 amendment, effective June 25, 2020, reenacted the section without change.

§ 37-181-23. Repeal of Sections 37-181-1 through 37-181-23 [Effective until July 1, 2024].

Sections 37-181-1 through 37-181-23, Mississippi Code of 1972, shall stand repealed on July 1, 2024.

HISTORY: Laws, 2020, ch. 386, § 12, eff from and after passage (approved June 25, 2020).

CHAPTER 183.

POSTSECONDARY EDUCATION COVID-19 MITIGATION RELIEF PROGRAM ACT

Sec.

37-183-1. Short title.
37-183-3. Definitions.
37-183-5. Postsecondary Education COVID-19 Mitigation Relief Program established; purpose; application; award and allocation of funds.
37-183-7. Application for grant by eligible postsecondary educational institution; use of funds; audit; terms and conditions of program.
37-183-9. Postsecondary Education COVID-19 Mitigation Relief Grant Fund created.

§ 37-183-1. Short title.

This chapter shall be known and may be cited as the "Postsecondary Education COVID-19 Mitigation Relief Program Act."

HISTORY: Laws, 2020, ch. 489, § 1 eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's notes — Laws of 2020, ch. 489, § 13, effective July 9, 2020, provides: "SECTION 13. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-183-3. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed unless the context otherwise requires:

(a) "Department" means the Department of Finance and Administration.

(b) "COVID-19" means the Coronavirus Disease 2019.

(c) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act.

(d) "Eligible postsecondary educational institution" means:

(i) Any state-supported four-year college or university operating within the State of Mississippi under the governing authority of the Board of Trustees of State Institutions of Higher Learning;

(ii) Any private four-year college or university operating within the State of Mississippi and accredited by a state, regional or national accrediting organization; and

(iii) Any state-supported two-year community college operating within the State of Mississippi under the governing authority of the Mississippi Community College Board and a local community college district board of trustees.

(e) "Interruption in learning" means disruption of regular educational instruction at a postsecondary educational institution facility resulting from required or voluntary closure related to COVID-19.

(f) "Public health measure" means any action reasonably taken to prevent the spread of COVID-19 in the educational setting.

(g) "Eligible expense" means a cost incurred by a postsecondary educational institution for public health measures or due to interruption in learning from March 1, 2020, through December 30, 2020. Such eligible expenses may consist of:

(i) Training and professional development for faculty and staff regarding measures to decrease the spread of COVID-19;

(ii) Purchasing facility sanitization supplies and other expenses of disinfection of the recipient institution's facilities to mitigate or respond to COVID-19;

(iii) Technology costs associated with transition to and administration of online learning;

(iv) Payroll expenses for public health and public safety employees employed by the recipient institution, and payroll expenses for health

care, human services and similar employees of the institution whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency;

(v) Purchasing of medical supplies and personal protection equipment (PPE);

(vi) Developing infrastructure necessary at the community or junior colleges to increase capacity in workforce development or skills training classes for students who are unemployed, underemployed or seeking new employment as a direct or indirect result of COVID-19; or

(vii) Medical expenses incurred by the recipient institution to treat or diagnose COVID-19, including COVID-19 testing and serological testing, emergency medical response and transportation, and telemedicine expenses related to COVID-19.

No cost will be considered an eligible expense if found to be ineligible under the guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act.

(h) "Grant" means an award by the department to a postsecondary educational institution to cover eligible expenses in accordance with this chapter.

(i) "Program" means the Postsecondary Education COVID-19 Mitigation Relief Program established in this chapter.

HISTORY: Laws, 2020, ch. 489, § 2 eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's notes — Laws of 2020, ch. 489, § 13, effective July 9, 2020, provides: "SECTION 13. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-183-5. Postsecondary Education COVID-19 Mitigation Relief Program established; purpose; application; award and allocation of funds.

(1) There is established the Postsecondary Education COVID-19 Mitigation Relief Program for public and private postsecondary educational institutions to be administered by the department, which shall set the dates and deadlines for applying for an award under this section. The program is established for the purpose of providing reimbursement to eligible postsecondary educational institutions for unreimbursed expenses directly related to COVID-19. The department shall establish such rules and regulations as it deems necessary and proper to carry out the purposes and intent of this section.

(2) The department shall approve applications for reimbursement from each eligible postsecondary educational institution. For each eligible postsec-

ondary educational institution, the department shall only award funds equivalent to the lesser of the total of itemized eligible COVID-19-related expenses or the maximum allowable for each institution based on the total number of students enrolled during the 2019-2020 scholastic year, who were actively enrolled as a part-time or full-time student on March 1, 2020, as determined by the student allocation formulas specified in subsections (3) and (4) of this section. To qualify for reimbursement, each postsecondary educational institution's application for reimbursement must, in addition to specifying the amount of reimbursement requested, also include an itemized expense report that evidences the eligible expenses incurred by the eligible postsecondary educational institution.

(3)(a) Each four-year postsecondary educational institution shall be eligible to be reimbursed at an amount equivalent to Five Hundred Sixty-eight Dollars ($568.00) per student actively enrolled as a part-time or full-time student on March 1, 2020. Each four-year postsecondary educational institution's reimbursement shall be determined upon the submission of the itemized expense report, required under subsection (2) of this section. Failure of a four-year postsecondary educational institution to submit the itemized expense report will subject the institution to forfeiture of any allotted funds designated for the specific institution's eligible maximum reimbursement amount.

(b) Upon a showing of itemized eligible COVID-19-related expenses, the eligible maximum reimbursement amount allowed for each four-year postsecondary educational institution, as determined by the student allocation formula prescribed in paragraph (a) of this subsection, shall be as follows:

(i) Alcorn State University ..... $ 1,854,520.00
(ii) Delta State University ..... $ 1,946,536.00
(iii) Jackson State University ..... $ 3,603,960.00
(iv) Mississippi State University ..... $ 11,704,776.00
(v) Mississippi University for Women ..... $ 1,523,944.00
(vi) Mississippi Valley State University ..... $ 1,147,928.00
(vii) University of Mississippi ..... $ 11,981,392.00
(viii) University of Southern Mississippi ..... $ 7,320,384.00
(ix) Belhaven University ..... $ 2,272,000.00
(x) Blue Mountain College ..... $ 340,800.00
(xi) Millsaps College ..... $ 433,952.00
(xii) Mississippi College ..... $ 2,465,688.00
(xiii) Rust College ..... $ 364,088.00
(xiv) Tougaloo College ..... $ 397,600.00
(xv) William Carey University ..... $ 2,433,312.00

(c) The department shall directly allocate to the Board of Trustees of State Institutions of Higher Learning the amount of One Hundred and Thirty Thousand Dollars ($130,000.00) to be used for COVID-19-related expenses.

(d) The total allocating authority provided to the Department of Finance and Administration under the provisions of this subsection (3) shall not exceed Fifty Million Dollars ($50,000,000.00).

(4)(a) Each two-year postsecondary educational institution, upon a showing of itemized eligible COVID-19-related expenses, shall be eligible to be awarded funds equivalent to the lesser of the total of its itemized eligible expenses or the base amount of Three Hundred Fifty-one Thousand Five Hundred Fifty Dollars and Seventy-one Cents ($351,550.71) available to each respective institution, as determined by calculating the total amount of unreimbursed expenses incurred by all two-year postsecondary educational institutions multiplied by the full-time equivalent (FTE) rate of fifteen percent (15%), and divided by the total number of two-year postsecondary educational institutions based on a thirty-seven percent (37%) reduction. The total of the base amount actually awarded to each institution under this paragraph (a) shall be deducted from the eligible maximum reimbursement amount allowed for each institution under paragraph (c) of this subsection.

(b) The remaining eighty-five percent (85%) of the unreimbursed expenses incurred by all two-year postsecondary educational institutions shall then be divided by the total number of FTE students enrolled in all two-year postsecondary educational institutions to be reimbursed at an amount equivalent to Five Hundred Forty-five Dollars and Forty-two Cents ($545.42) per FTE student at each respective two-year postsecondary educational institution as of March 1, 2020, based on a thirty-seven percent (37%) reduction. Each postsecondary educational institution's reimbursement shall be determined upon the submission of the itemized expense report, required under subsection (2) of this section. Failure of a postsecondary educational institution to submit the itemized expense report will subject the institution to forfeiture of any allotted funds designated for the specific institution's eligible maximum reimbursement amount.

(c) Upon a showing of itemized eligible COVID-19-related expenses, the eligible maximum reimbursement amount allowed for each institution, as determined by the student allocation formulas prescribed in paragraphs (a) and (b) of this subsection, shall be as follows:

(i) Coahoma Community College ..... $ 1,104,018.54
(ii) Copiah-Lincoln Community College ..... $ 1,641,377.19
(iii) East Central Community College ..... $ 1,429,800.67
(iv) East Mississippi Community College ..... $ 1,943,536.14
(v) Hinds Community College ..... $ 4,900,064.29
(vi) Holmes Community College ..... $ 2,908,719.58
(vii) Itawamba Community College ..... $ 2,511,704.35
(viii) Jones County Junior College ..... $ 2,359,313.34
(ix) Meridian Community College ..... $ 1,697,113.29
(x) Mississippi Delta Community College ..... $ 1,453,472.11
(xi) Mississippi Gulf Coast Community College ..... $ 4,220,356.11
(xii) Northeast Mississippi Community College ..... $ 1,866,958.52
(xiii) Northwest Mississippi Community College ..... $ 3,372,657.14
(xiv) Pearl River Community College ..... $ 2,497,523.94
(xv) Southwest Mississippi Community College ..... $ 1,248,446.98.

(d) The department shall directly allocate:

(i) To the Mississippi Community College Board the amount of One Million Dollars ($1,000,000.00); and

(ii) To the individual two-year postsecondary educational institutions, based on full-time enrolled students for all COVID-19-related education expenses, including, but not limited to, PPE and hardened technology infrastructure, the amount of Thirteen Million Eight Hundred Forty-four Thousand Nine Hundred Thirty-seven Dollars and Eighty-one Cents ($13,844,937.81).

Funds allocated under this paragraph (d), at the discretion of the individual two-year postsecondary educational institutions, may be transferred to the Community College Board for consortium distance learning purchases. The Community College Board shall provide the department with the number of full-time enrolled students at the two-year postsecondary educational institutions. Funds allocated under this paragraph (d) shall be for all COVID-19-related education expenses, including, but not limited to, PPE and hardened technology infrastructure at all two-year postsecondary educational institutions.

(e) The total allocating authority provided to the department under the provisions of this subsection (4) shall not exceed Fifty Million Dollars ($50,000,000.00).

(5) The department may retain One Hundred Fifty Thousand Dollars ($150,000.00) for administrative expenses of the program.

(6) The total allocating authority provided to the department under the provisions of subsections (3) and (4) of this section shall not exceed One Hundred Million Dollars ($100,000,000.00).

(7) Unless otherwise provided in this chapter, the department shall develop regulations, procedures and application forms to govern the administration of the program, which at a minimum, shall require eligible postsecondary educational institutions to:

(a) Submit an application for a grant for reimbursement;

(b) Demonstrate the need and purpose of the grant funds received to mitigate the impact of COVID-19 on the operation of the school and its delivery of instruction; and

(c) Provide an itemized list of reimbursable-eligible expenses, as defined in Section 37-183-3, which the eligible postsecondary educational institution has previously incurred, is presently incurring or will incur in the future, as such expenses relate to mitigation of the impact of COVID-19.

(8) The department shall report on the utilization of the program to the Chairs of the Universities and Colleges Committees of the Senate and the House of Representatives, the Lieutenant Governor, the Speaker of the House and the Governor by October 1, 2020. At a minimum, the report shall contain:

(a) The name of each educational institution;

(b) The total amount of reimbursement requested by each educational institution; and

(c) The total amount of reimbursement received by each educational institution.

HISTORY: Laws, 2020, ch. 489, § 3 eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's notes — Laws of 2020, ch. 489, § 13, effective July 9, 2020, provides: "SECTION 13. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-183-7. Application for grant by eligible postsecondary educational institution; use of funds; audit; terms and conditions of program.

(1) Any eligible postsecondary educational institution desiring to participate in the program shall make application for a grant to the department in a form satisfactory to the department. The application shall include verified documentation, signed under penalty of perjury.

(2) The department shall use the funds appropriated by the Legislature from the Budget Contingency Fund to make grants to eligible postsecondary educational institutions pursuant to applications submitted under subsection (1) of this section, to cover future COVID-19-eligible expenses or provide reimbursement for previously incurred COVID-19-eligible expenses.

(3) The use of grants shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor. An eligible postsecondary educational institution found to be fully or partially noncompliant with grant requirements shall return to the state all of the grant monies received and used for unallowable expenditures. Applicants shall confirm their understanding of these terms.

(4) The program shall be subject to the following terms and conditions:

(a) The aggregate amount of grant funds which may be awarded to any single postsecondary educational institution under the provisions of this chapter shall not exceed the dollar amount specified for such postsecondary educational institution authorized under subsections (3)(b) and (4)(b) of Section 37-183-5;

(b) Grant funds shall only be awarded in the amount indicated in the eligible postsecondary educational institution's application as itemized eligible expenses, subject to approval by the department; and

(c) An eligible postsecondary educational institution is not limited to submitting only one (1) application for grant funds, but may submit new applications for grant funds, following the guidelines required by the department, until such time that it has received the aggregate amount of funds for which it is eligible to be awarded.

HISTORY: Laws, 2020, ch. 489, § 4 eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's notes — Laws of 2020, ch. 489, § 13, effective July 9, 2020, provides: "SECTION 13. If any section, paragraph, sentence, clause, phrase, or any part of this

act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-183-9. Postsecondary Education COVID-19 Mitigation Relief Grant Fund created.

There is created a special fund in the State Treasury, to be known as the "Postsecondary Education COVID-19 Mitigation Relief Grant Fund," from which the grants authorized by this chapter shall be disbursed by the department. All monies shall be disbursed from the fund in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act.

HISTORY: Laws, 2020, ch. 489, eff from and after passage (became law without the Governor's signature on July 9, 2020); Laws, 2020, ch. 502, § 4, eff from and after passage (became law without the Governor' signature on October 9, 2020).

Joint Legislative Committee Note — Section 5 of Chapter 489, Laws of 2020, effective from and after passage (became law without the Governor's signature on July 9, 2020), added this section. Section 4 of Chapter 502, Laws of 2020, effective from and after passage (became law without the Governor's signature on October 9, 2020), amended this section. As set out above, this section reflects the language of Section 4 of Chapter 502, Laws of 2020, which contains language that specifically provides that it supersedes § 37-183-9 as added by Chapter 489.

Editor's Notes — Laws of 2020, ch. 489, § 6, effective July 9, 2020, provides:

"SECTION 6. Upon the effective date of this act, the State Fiscal Officer shall transfer funds from the Budget Contingency Fund to the "Postsecondary Education COVID-19 Mitigation Relief Grant Fund," the amount of One Hundred Million Dollars ($100,000,000.00) for the implementation and administration of the Postsecondary Education COVID-19 Mitigation Relief Program Act."

Laws of 2020, ch. 489, § 13, effective July 9, 2020, provides:

"SECTION 13. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

Amendment Note — The 2020 amendment, effective October 9, 2020, deleted the former last sentence, which read: "If on November 30, 2020, there are unobligated monies in the fund, the Governor shall have the discretion to transfer monies to another state agency to be used for eligible expenditures pursuant to the CARES Act."

CHAPTER 185.

INDEPENDENT SCHOOLS' COVID-19 ASSISTANCE GRANT PROGRAM ACT.

Sec.
37-185-1. Short title.
37-185-3. Definitions.
37-185-5. Independent Schools' COVID-19 Assistance Grant Program established; purpose; application; award and allocation of funds.
37-185-7. Grant application; audit of use of grants; program terms and conditions.
37-185-9. Independent Schools' COVID-19 Assistance Grant Fund created; transfer of unobligated monies.

§ 37-185-1. Short title.

This chapter shall be known, and may be cited as the "Independent Schools' COVID-19 Assistance Grant Program Act."

HISTORY: Laws 2020, ch. 489, § 7 eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 489, § 13, effective July 9, 2020, provides: "SECTION 13. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-185-3. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed unless the context otherwise requires:

(a) "COVID-19" means the Coronavirus Disease 2019.

(b) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act.

(c) "Eligible independent school" means any private or nonpublic school operating within the State of Mississippi that:

(i) Is a member of the Midsouth Association of Independent Schools (MAIS) and located in the State of Mississippi; or

(ii) Is accredited by a state, regional or national accrediting organization; and

(iii) Is not subject to the purview of authority of the State Board of Education.

"Eligible independent school" includes independent universities that are accredited by a state, regional or national accrediting organization and are not subject to the purview of authority of the State Institutions of Higher Learning.

(d) "Interruption in learning" means disruption of regular educational instruction in a school facility resulting from required or voluntary closure related to COVID-19.

(e) "Public health measure" means any action reasonably taken to prevent the spread of COVID-19 in the educational setting.

(f) "Eligible expense" means a cost incurred by an independent school for public health measures or due to interruption in learning from March 1, 2020 through December 30, 2020. Such eligible expenses may consist of:

(i) Training and professional development of local school staff regarding measures to decrease the spread of COVID-19 and familiarity with technology programs and devices to facilitate distance learning;

(ii) Purchasing facility sanitization supplies and other expenses of disinfection of the independent school's facilities to mitigate or respond to COVID-19;

(iii) Purchasing technology programs and equipment for the expansion of internet connectivity and broadband access within the school facility to be used by school administrators, faculty and staff to facilitate online distance learning;

(iv) Purchasing necessary equipment and accommodations and providing adequate services for students with disabilities;

(v) Purchasing medical supplies and personal protection equipment (PPE);

(vi) Developing infrastructure necessary at the community or junior colleges to increase capacity in workforce development or skills training classes for students who are unemployed, underemployed or seeking new employment as a direct or indirect result of COVID-19; or

(vii) Medical expenses incurred by the independent school to treat or dispense COVID-19, including COVID-19 testing and serological testing, emergency medical response and transportation, and telemedicine expenses related to COVID-19.

No cost will be considered an eligible expense if found to be ineligible under the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act.

(g) "MDA" means the Mississippi Development Authority.

(h) "Grant" means an award by the MDA to an independent school to cover eligible expenses in accordance with this chapter.

(i) "Program" means the Independent Schools' COVID-19 Assistance Grant Program established in this chapter.

HISTORY: Laws 2020, ch. 489, § 8, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 489, § 13, effective July 9, 2020, provides:

"SECTION 13. If any section, paragraph, sentence, clause, phrase, or any part of is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

Federal Aspects — Coronavirus Aid, Relief, and Economic Security Act (CARES Act), see 116 P.L. 136, 134 Stat. 281.

§ 37-185-5. Independent Schools' COVID-19 Assistance Grant Program established; purpose; application; award and allocation of funds.

(1) The Independent Schools' COVID-19 Assistance Grant Program is established, to be administered by the MDA, for the purpose of making grants to eligible independent schools to provide reimbursements for eligible expenses, as defined in Section 37-185-3.

(2) From the date of the beginning of the period for applications for grants under this section, the MDA shall consider and review applications from eligible independent schools that did not receive and have not been awarded reimbursement under any other federal program for the expenses that will be reimbursed by a grant under this section.

(3) The MDA shall develop regulations, procedures and application forms to govern the administration of the program, which at a minimum, shall require eligible independent schools to:

(a) Submit an application for a grant for reimbursement;

(b) Demonstrate the need and purpose of the grant funds received to mitigate the impact of COVID-19 on the operation of the school and its delivery of instruction; and

(c) Provide an itemized list of reimbursable eligible expenses as defined in Section 37-185-3, which the independent school has previously incurred, is presently incurring or will incur before December 30, 2020, as such expenses relate to mitigation of the impact of COVID-19.

(4) The MDA may retain One Hundred Thousand Dollars ($100,000.00) for the administration of the program.

(5) The department shall report on the utilization of the program to the Chairs of the Universities and Colleges Committees of the Senate and the House of Representatives, the Lieutenant Governor, the Speaker of the House and the Governor by October 1, 2020. At a minimum, the report shall contain:

(a) The name of each eligible independent school;

(b) The total amount of reimbursement requested by each eligible independent school; and

(c) The total amount of reimbursement received by each eligible independent school.

HISTORY: Laws 2020, ch. 489, § 9, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 489, § 13, effective July 9, 2020, provides:

"SECTION 13. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-185-7. Grant application; audit of use of grants; program terms and conditions.

(1) Any eligible independent school desiring to participate in the program

shall make application for a grant to the MDA in a form satisfactory to the MDA. The application shall include verified documentation, signed under penalty of perjury.

(2) The MDA shall use the funds appropriated by the Legislature from the Budget Contingency Fund to make grants to eligible independent schools pursuant to applications submitted under subsection (1) of this section, to cover future COVID-19-eligible expenses or provide reimbursement for previously incurred COVID-19-eligible expenses.

(3) The use of grants shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor. An eligible independent school found to be fully or partially noncompliant with grant requirements shall return to the state all or a portion of the grant monies received and used for unallowable expenditures. Applicants shall confirm their understanding of these terms.

(4) The program shall be subject to the following terms and conditions:

(a) The eligible maximum amount of grant funds which may be awarded to any eligible independent school under the provisions of this chapter shall not exceed One Hundred Thousand Dollars ($100,000.00);

(b) Any grant funds awarded shall be the lesser of the amount indicated in the independent school's application as itemized eligible COVID-19-related expenses or the eligible maximum amount, subject to approval by the MDA; and

(c) An eligible independent school is not limited to submitting only one (1) application for grant funds, but may submit new applications for grant funds, following the guidelines required by the MDA, until such time that it has received the aggregate amount of funds for which it is eligible to be awarded.

HISTORY: Laws 2020, ch. 489, § 10, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 489, § 13, effective July 9, 2020, provides:

"SECTION 13. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

§ 37-185-9. Independent Schools' COVID-19 Assistance Grant Fund created; transfer of unobligated monies.

There is created a special fund in the State Treasury, to be known as the "Independent Schools' COVID-19 Assistance Grant Fund," from which the grants authorized by this chapter shall be disbursed by the MDA. All monies shall be disbursed from the fund in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act. If on

December 1, 2020, there are unobligated monies in the fund, those funds shall lapse into the Budget Contingency Fund, to be transferred, by the State Fiscal Officer, into the Unemployment Compensation Fund.

HISTORY: Laws 2020, ch. 489, § 11, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's Notes — Laws of 2020, ch. 489, § 12, effective July 9, 2020, provides:

"SECTION 12. Upon the effective date of this act, the State Fiscal Officer shall transfer funds from the Budget Contingency Fund to the "Independent Schools' COVID-19 Assistance Grant Fund," the amount of Ten Million Dollars ($10,000,000.00) for the implementation and administration of the Independent Schools' COVID-19 Assistance Grant Program Act."

Laws of 2020, ch. 489, § 13, effective July 9, 2020, provides:

"SECTION 13. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect."

Federal Aspects — Coronavirus Aid, Relief, and Economic Security Act (CARES Act), see 116 P.L. 136, 134 Stat. 281.

CHAPTER 187.

MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY.

Sec.

37-187-1. Short title.
37-187-3. Legislative intent; definitions; Mississippi Pandemic Response Broadband Availability Grant Program Fund created.
37-187-5. Distribution of grant monies; timeframe for use of grant monies by recipient school districts.
37-187-7. Use of grant monies by school districts and schools; audit of use of grants; project status reports.

§ 37-187-1. Short title.

This chapter shall be known and may be cited as the "Mississippi Pandemic Response Broadband Availability Act."

HISTORY: Laws, 2020, ch. 491, § 2, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's notes — Laws of 2020, ch. 491, § 6, effective July 9, 2020, provides:

"SECTION 6. If any section, paragraph, sentence, clause, phrase or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect."

Federal Aspects — Coronavirus Aid, Relief, and Economic Security Act (CARES Act), see 116 P.L. 136, 134 Stat. 281.

§ 37-187-3. Legislative intent; definitions; Mississippi Pandemic Response Broadband Availability Grant Program Fund created.

(1) The Legislature finds and declares that due to the COVID-19 pandemic there is an immediate increased need for reliable Internet service in Mississippi, including expanded broadband access, to facilitate and assist with distance learning. Therefore, the Mississippi Department of Education shall establish the Mississippi Pandemic Response Broadband Availability Grant Program to provide grants to Mississippi public school districts, independent schools and Native American tribal schools for the purpose of expanding broadband access in the unserved areas of the State of Mississippi.

(2) As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Broadband access" means access to broadband services as defined in Section 77-17-3(d).

(b) "COVID-19" means the Coronavirus Disease 2019.

(c) "Department" means the Mississippi Department of Education.

(3) There is hereby created in the State Treasury a special fund to be designated as the "Mississippi Pandemic Response Broadband Availability Grant Program Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used for the purpose of providing payments to eligible Mississippi public school districts, independent schools and Native American tribal school districts as provided in this chapter. Monies in the fund shall be administered and disbursed by the department in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the Coronavirus Aid, Relief, and Economic Security Act. If on December 1, 2020, there are undistributed monies in the fund, or if at any other time undistributed monies in the fund are determined by the department to be ineligible to be spent by the department, those monies shall be transferred to the Unemployment Compensation Fund.

HISTORY: Laws, 2020, ch. 491, § 3, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's notes — Laws of 2020, ch. 491, § 1, effective July 9, 2020, provides:

"SECTION 1. Upon the effective date of this act, the State Fiscal Officer shall transfer to the Mississippi Pandemic Response Broadband Availability Grant Program Fund out of the Budget Contingency Fund ..... $ 50,000,000.00."

Laws of 2020, ch. 491, § 6, effective July 9, 2020, provides:

"SECTION 6. If any section, paragraph, sentence, clause, phrase or any part of this

act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect."

Federal Aspects — Coronavirus Aid, Relief, and Economic Security Act (CARES Act), see 116 P.L. 136, 134 Stat. 281.

§ 37-187-5. Distribution of grant monies; timeframe for use of grant monies by recipient school districts.

(1) The department shall distribute grant monies, without the requirement of application by school districts or schools, as equitably and efficiently as possible after determining the unserved areas of the state using the latest publicly available Federal Communications Commission broadband data, and after determining which and to what extent Mississippi public school districts, independent schools and Native American tribal school districts educate students living in such unserved areas of the state. The Mississippi Department of Education shall consult with the Mississippi Association of Independent Schools and the administrations of the Native American tribal school districts in determining which and to what extent such schools and school districts educate students living in such unserved areas of the state. Any grant monies provided under this chapter shall be spent by the recipient school district no later than December 1, 2020, or by such later date as may be specified in the guidelines, guidance, rules, regulations and/or other criteria of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act. Grants shall be conditioned on the school district or school broadband provider agreements including that broadband capacity shall be expanded to a significant extent for the district's or school's students during the COVID-19 public health emergency.

(2) Funds appropriated and grant monies distributed under this program may be expended on a license to use equipment and services for a period of no longer than one (1) year as necessary to address the COVID-19 crisis and fulfill the purposes of this program.

(3) The department may develop regulations and procedures to govern the administration of the program.

HISTORY: Laws, 2020, ch. 491 § 4, eff from and after passage (became law without the Governor's signature on July 9, 2020); Laws, 2020, ch. 499, § 1, eff from and after passage (became law without the Governor's signature on October 9, 2020).

Joint Legislative Committee Note — Section 4 of Chapter 491, Laws of 2020, effective from and after passage (became law without the Governor's signature on July 9, 2020), added this section. Section 1 of Chapter 499, Laws of 2020, effective from and after passage (became law without the Governor's signature on October 9, 2020), amended this section. As set out above, this section reflects the language of Section 1 of Chapter 499, Laws of 2020, which contains language that specifically provides that it supersedes § 37-187-5 as added by Chapter 491.

Editor's notes — Laws of 2020, ch. 491, § 6, effective July 9, 2020, provides:
"SECTION 6. If any section, paragraph, sentence, clause, phrase or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect."

Amendment notes — The 2020 amendment, effective October 9, 2020, in (1), in the second sentence, substituted "schools and school districts" for "schools and schools districts"; added (2); and redesignated former (2) as (3).

Federal Aspects — Coronavirus Aid, Relief, and Economic Security Act (CARES Act), see 116 P.L. 136, 134 Stat. 281.

§ 37-187-7. Use of grant monies by school districts and schools; audit of use of grants; project status reports.

(1) The grant monies distributed under this chapter shall be used by school districts and schools to negotiate and contract with existing or potential broadband providers to increase or gain broadband access for the unserved areas where their students reside. To achieve such increased broadband access, the school districts and schools may utilize any broadband technology available to increase or gain broadband access in the unserved areas.

(2) The use of grants shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Department of Education. A school district or school found to be fully or partially noncompliant with grant requirements shall return to the state all or a portion of the grant monies received. Recipient school districts and schools shall confirm their understanding of these terms.

(3) Mississippi public school districts, independent schools and Native American tribal schools that receive grant monies under this chapter shall provide periodic project status reports to the Mississippi Department of Education and any other documentation that the Mississippi Department of Education determines is necessary to ensure compliance with this chapter and the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act.

HISTORY: Laws, 2020, ch. 491, § 5, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Editor's notes — Laws of 2020, ch. 491, § 6, effective July 9, 2020, provides:
"SECTION 6. If any section, paragraph, sentence, clause, phrase or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect."

Federal Aspects — Coronavirus Aid, Relief, and Economic Security Act (CARES Act), see 116 P.L. 136, 134 Stat. 281.

TITLE 39.

LIBRARIES, ARTS, ARCHIVES AND HISTORY

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CHAPTER 5.

ARCHIVES AND HISTORY

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39-5-6.	Powers and duties of board of trustees with respect to governor's mansion; employment of and powers and duties of curator of New Capitol Building.
39-5-24.	Mississippi History Trust Fund.

§ 39-5-5. General powers and duties of board of trustees.

Editor's Notes — Laws of 2011, ch. 411, § 1, as amended by Laws of 2020, ch. 351, § 1, effective June 25, 2020, provides:

"SECTION 1. (1) The Department of Finance and Administration, acting on behalf of the Mississippi Department of Archives and History, is authorized to donate to Tougaloo College, all of the rights, title and interest in certain real property under the possession and control of the Department of Archives and History, located in the First Judicial District of Hinds County, Mississippi, subject to the requirements and conditions prescribed in subsection (2) of this section. The property is more particularly described as follows:

"Lots 12 and 13, Block 42, Elraine Resurvey, Part 2, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, recorded in Plat Book 4 at Page 71, reference to which is hereby made in aid of and as a part of this description;

"AND

"Lot 14, Block 42, Elraine Resurvey, Part 2, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, recorded in Plat Book 4 at Page 71, reference to which is hereby

made in aid of and as a part of this description.

"(2) If at any time after the donation of the real property described in subsection (1) of this section Tougaloo College ceases to use the real property for the purposes intended at the time of donation, Tougaloo College shall forfeit its rights, title and interest in the real property, and all of the rights, title and interest in the real property shall revert back to the State of Mississippi, to be held for the use and benefit of the Mississippi Department of Archives and History, unless said property is transferred and conveyed to the National Park Service or any agency of the United States government. Upon an agreement between Tougaloo College and the National Park Service or any agency of the United States government for the transfer of the real property described in this section, the reverter clause shall be extinguished, and the State of Mississippi shall relinquish its claim to all rights, title and interest in the real property.

"(3) The State of Mississippi shall retain all mineral rights in the property donated under the provisions of this section. However, upon transfer and conveyance to the National Park Service or any agency of the United States government, the State of Mississippi shall transfer all mineral rights to the National Park Service or the agency of the United States government gaining possession the real property."

§ 39-5-6. Powers and duties of board of trustees with respect to governor's mansion; employment of and powers and duties of curator of New Capitol Building.

The duties and powers of the Board of Trustees of the Department of Archives and History shall include, in addition to other duties and powers granted or prescribed by law, the following:

(a) To promulgate rules and regulations governing the use of the historic portion of the Governor's Mansion;

(b) To promulgate rules and regulations governing the acquisition of furniture and furnishings, including, but not limited to, carpets, rugs, paintings, draperies and objects of art, for the original or historic portion of the Governor's Mansion;

(c) To employ a curator of the mansion who shall have the following duties:

(i) To maintain a descriptive inventory of and be responsible for the care and custody of all furniture and furnishings in the Governor's Mansion that have been catalogued by the Department of Archives and History, including flat silver and silver hollowware. However, the Department of Finance and Administration shall maintain a descriptive inventory of and be responsible for the care and custody of all publicly owned furniture and furnishings in the Governor's Mansion that have not been catalogued by the Department of Archives and History, including flat silver and silver hollowware; and

(ii) To conduct an educational training program for staff and volunteer guides who may conduct tours of the mansion when it is open to the public at specified times agreed upon by the Governor;

(d) To promote the donation or loaning of money or property, real or personal, from any agency of the United States, state or local government, any person, firm, corporation, association or group, for the purpose of

furnishing or decorating the original or historic portion of the Governor's Mansion;

(e) To accept such donations of money or property, real or personal, from any agency of the United States, state or local government, any person, firm, corporation, association or group, for the purpose of furnishing or decorating the original or historic portion of the Governor's Mansion, provided that the board of trustees shall not be required to accept any donation of furniture or furnishings without its consent;

(f) To sell, donate or otherwise dispose of unused surplus property of the Governor's Mansion, excluding any property located in the mansion which belongs to the Governor's Office, and to deposit the proceeds of such sales in the Governor's Mansion Fund of the Board of Trustees of the Department of Archives and History for use, in the board's discretion, in acquiring furniture or furnishings, including, but not limited to, carpets, rugs, paintings, draperies and objects of art, for the original or historic portion of the Governor's Mansion; and

(g) To review and approve any major changes in the architecture, furniture, furnishings, decoration or landscaping of the grounds of the Governor's Mansion.

HISTORY: Laws, 1974, ch. 337; Laws, 1979, ch. 438, § 14 1980, ch. 349, § 1; Laws, 2012, ch. 487, § 1, eff from and after July 1, 2012; Laws, 2019, ch. 335, § 2, eff from and after July 1, 2019.

Amendment Notes — The 2019 amendment deleted former (h), which related to the employment, powers and duties of the Curator of the New Capitol Building. For present provisions regarding the Curator of the New Capitol Building, see § 29-5-13.

§ 39-5-24. Mississippi History Trust Fund.

(1) There is created in the State Treasury a special fund to be known as the "Mississippi History Trust Fund." The Mississippi Department of Archives and History may solicit and accept donations, bequests, devises, gifts and grants of money from individuals, organizations, and corporations to be deposited in the Mississippi History Trust Fund. All funds deposited in the Mississippi History Trust Fund shall be expended upon appropriation by the Legislature, solely for the purpose of collecting, preserving, protecting, researching and interpreting the State of Mississippi's historic resources and for promoting the appreciation of those resources.

(2) The Mississippi Department of Archives and History, with the advice of the Office of the State Treasurer, is authorized to establish a comprehensive investment plan for the purposes of the Mississippi History Trust Fund and to invest any funds in the trust fund in any instrument, obligation, security or property that constitutes legal investments and holdings. The comprehensive investment plan shall specify the investment policies to be used by the department in its administration of the funds in the trust fund. The department may authorize investments in any investment vehicle authorized for the Mississippi Prepaid Affordable College Tuition (MPACT) Program under

Section 37-155-9. However, the restrictions in Section 37-155-9 as to percentages of the total fund that may be invested in any category of authorized investment shall not apply to the Mississippi History Trust Fund. The funds in the trust fund also may be invested in obligations of the state or any political subdivision of the state.

(3) Notwithstanding any state law to the contrary, the department shall invest or cause to be invested the funds in the trust fund in a manner reasonable and appropriate to achieve the objectives of the trust fund, exercising the discretion and care of a prudent investor in similar circumstances with similar objectives. The department shall give due consideration to the risk, expected rate of return, term or maturity, diversification of total investments, liquidity and anticipated investments in and withdrawals from the trust fund. The department shall acquire all investments at prices not exceeding the prevailing market values for those securities.

(4) Any limitations set forth in this section shall be applicable only at the time of purchase and shall not require the liquidation of any investment at any time. All investments shall be marked clearly to indicate ownership by the trust fund and, to the extent possible, shall be registered in the name of the trust fund.

(5) Subject to the terms, conditions, limitations and restrictions set forth in this section, the department may sell, assign, transfer and dispose of any of the securities and investments of the trust fund if the sale, assignment or transfer has the approval of a majority of the entire Board of Trustees of the Mississippi Department of Archives and History. The department may employ or contract with investment managers, evaluation services, or other such services as determined by the department to be necessary for the effective and efficient operation of the trust fund.

(6) Except as otherwise provided in this section, no trustee or employee of the department may have any direct or indirect interest in the income, gains or profits of any investments made by the department. No trustee or employee of the department may become an endorser or surety or in any manner an obligor for money loaned by or borrowed from the trust fund.

(7) The department, with the advice of the Office of the State Treasurer, may establish criteria for investment managers, mutual funds or other such entities to act as contractors or consultants to the department. The department may contract, either directly or through those contractors or consultants, to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the department, including, but not limited to, providing consolidated billing, individual and collective record keeping and accounting, and asset purchase, control and safekeeping.

(8) Unexpended amounts remaining in the trust fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings on the unexpended amounts in the trust fund shall be deposited to the credit of the trust fund.

HISTORY: Laws, 2015, ch. 468, § 1, eff from and after July 1, 2015.

DANCING RABBIT CREEK TREATY PROPERTY

Sec.
39-5-43. Repealed.

§ 39-5-43. Repealed.

Repealed by Laws, 2018, ch. 395, § 12, eff from and after July 1, 2018.

§ 39-5-43. [Laws, 1973, ch. 474, § 2; Laws, 1988, ch. 518, § 22; Laws, 1991, ch. 410, § 1, eff from and after July 1, 1991.]

Editor's Notes — Former 39-5-43 established the Dancing Rabbit Creek Treaty Site Advisory Committee and prescribed its composition and duties.

GRANT ASSISTANCE FOR PRESERVATION OF HISTORIC COUNTY COURTHOUSES, SCHOOL BUILDINGS, AND OTHER HISTORIC PROPERTIES

Sec.
39-5-145. Mississippi Community Heritage Preservation Grant Fund.

§ 39-5-145. Mississippi Community Heritage Preservation Grant Fund.

(1) A special fund, to be designated the "Mississippi Community Heritage Preservation Grant Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. The fund shall consist of any monies designated for deposit therein from any source, including proceeds of any state general obligation bonds designated for deposit therein. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned or investment earnings on amounts in the fund shall be deposited into the fund. The expenditure of monies deposited into the fund shall be under the direction of the Department of Finance and Administration, based upon recommendations of the Board of Trustees of the Department of Archives and History, and such funds shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration. Monies deposited into such fund shall be allocated and disbursed according to the provisions of this section. If any monies in the special fund are derived from proceeds of state general obligation bonds and are not used within four (4) years after the date such bond proceeds are deposited into the special fund, then the Department of Finance and Administration shall provide an accounting of such unused monies to the State Bond Commission.

(2) Monies deposited into the fund shall be allocated and disbursed as follows:

(a)(i) Forty-six Million Two Hundred Thousand Dollars ($46,200,000.00) shall be allocated and disbursed as grants on a reimburs-

able basis through the Department of Finance and Administration, based upon the recommendations of the Board of Trustees of the Department of Archives and History, to assist county governments, municipal governments, school districts and nonprofit organizations that have obtained Section 501(c)(3) tax-exempt status from the United States Internal Revenue Service in helping pay the costs incurred in preserving, restoring, rehabilitating, repairing or interpreting 1. historic county courthouses, 2. historic school buildings, and/or 3. other historic properties identified by certified local governments. Where possible, expenditures from the fund shall be used to match federal grants or other grants that may be accessed by the Department of Archives and History, other state agencies, county governments or municipal governments, school districts or nonprofit organizations that have obtained Section 501(c)(3) tax-exempt status from the United States Internal Revenue Service. Any properties, except those described in paragraphs (b) and (d) of this subsection, receiving monies pursuant to this section must be designated as "Mississippi Landmark" properties prior to selection as projects for funding under the provisions of this section.

(ii) One Million Seven Hundred Fifty Thousand Dollars ($1,750,000.00) shall be allocated and disbursed as grants through the Department of Finance and Administration, based upon the recommendations of the Board of Trustees of the Department of Archives and History, to assist county governments in helping pay the costs of historically appropriate restoration, repair and renovation of historically significant county courthouses. Grants to individual courthouses under this paragraph (a)(ii) shall not exceed Eight Hundred Seventy-five Thousand Dollars ($875,000.00).

(b) Two Hundred Fifty Thousand Dollars ($250,000.00) shall be allocated and disbursed as grant funds to the Amory Regional Museum in Amory, Mississippi, to pay the costs of capital improvements, repair, renovation, furnishing and/or equipping of the museum. The Department of Finance and Administration is directed to transfer Two Hundred Fifty Thousand Dollars ($250,000.00) from the fund to the city on or before December 31, 2004, and the city shall place the funds into an escrow account. The city may expend the funds from the account only in an amount equal to matching funds that are provided from any source other than the state for the project. As the funds are withdrawn from the escrow account, the city shall certify to the Department of Finance and Administration the amount of the funds that have been withdrawn and that the funds withdrawn are in an amount equal to matching funds required by this paragraph.

(c) One Hundred Thousand Dollars ($100,000.00) shall be allocated and disbursed as grant funds to the Jacinto Foundation, Inc., to pay the costs of capital improvements, repairing, renovating, restoring, rehabilitating, preserving, furnishing and/or equipping the courthouse and related facilities in Jacinto, Mississippi, and to pay the costs of capital improvements, repairing, renovating, restoring, rehabilitating, preserving, furnishing and/or equipping other buildings and facilities near the courthouse.

(d) Four Hundred Twenty-five Thousand Dollars ($425,000.00) shall be allocated and disbursed as grant funds to the Oxford-Lafayette County Heritage Foundation to pay the costs of capital improvements, repairing, renovating, restoring, rehabilitating, preserving, furnishing, equipping and/or acquiring the L.Q.C. Lamar Home in Oxford, Mississippi.

(e) One Million Four Hundred Twenty-five Thousand Dollars ($1,425,000.00) shall be allocated and disbursed as grant funds to the City of Columbus, Mississippi, to assist in paying the costs associated with repair, renovation and restoration of the Columbus City Hall building and related facilities.

(f) One Million Dollars ($1,000,000.00) shall be allocated and disbursed as grant funds to the Town of Wesson, Mississippi, to pay the costs of restoration and renovation of the Old Wesson School.

(g) Two Hundred Fifty Thousand Dollars ($250,000.00) shall be allocated and disbursed as grant funds to the Town of Shubuta, Mississippi, to assist in paying the costs associated with construction, reconstruction, refurbishing, repair, renovation and restoration of the Shubuta Town Hall building and related facilities.

(h) Two Hundred Fifty Thousand Dollars ($250,000.00) shall be allocated and disbursed as grant funds to the City of Okolona, Mississippi, to assist in paying costs associated with the purchase, repair, renovation, furnishing and equipping of a building and related facilities on Main Street in the City of Okolona, for the purpose of establishing a welcome center in which historical information relating to the City of Okolona will be displayed, including, but not limited to, information relating to the furniture, banking, retail and farming industries; education; historical collections owned by individuals and organizations; genealogy; Okolona College; and the Battle of Okolona and the War Between the States.

(i) One Hundred Thousand Dollars ($100,000.00) shall be allocated and disbursed as grant funds to Tallahatchie County, Mississippi, to assist in paying the costs associated with repair, renovation and restoration of the Tallahatchie County Courthouse.

(j) Two Hundred Fifty Thousand Dollars ($250,000.00) shall be allocated and disbursed as grant funds to Wayne County, Mississippi, to assist in paying the costs associated with repair, renovation and restoration of the Wayne County Courthouse.

(k) Three Hundred Thousand Dollars ($300,000.00) shall be allocated and disbursed as grant funds to assist in paying the cost of rehabilitation and restoration of Winterville Indian Mounds in Washington County, Mississippi.

(*l*) Five Hundred Thousand Dollars ($500,000.00) shall be allocated and disbursed as grant funds to the City of Kosciusko, to assist the City of Kosciusko, Mississippi, in paying costs associated with (i) repair, renovation, furnishing, equipping, additions to and expansion of the Kosciusko Natchez Trace Visitor Center in the City of Kosciusko, Mississippi, and (ii) repair, renovation, furnishing, equipping, additions to and expansion of the historic Strand Theater in the City of Kosciusko, Mississippi.

(m) One Hundred Thousand Dollars ($100,000.00) shall be allocated and disbursed as grant funds to Jefferson County, Mississippi, to assist in paying costs associated with repair, renovation, upgrades and improvements to the confederate cemetery and related properties and facilities in the county.

(n) Four Hundred Thousand Dollars ($400,000.00) shall be allocated and disbursed as grant funds to Tate County, Mississippi, to assist in paying costs associated with painting, refurbishment and historical restoration and renovation of the Tate County Courthouse.

(o) Four Hundred Thousand Dollars ($400,000.00) shall be allocated and disbursed as grant funds to Humphreys County, Mississippi, to assist in paying costs associated with repair and renovation of and upgrades and improvements to the Humphreys County Courthouse.

(p) Monies in the Mississippi Community Heritage Preservation Grant Fund which are derived from proceeds of state general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Department of Archives and History in providing assistance directly related to a project described in paragraph (a) of this subsection for which funding is provided under this section. Reimbursement may be made only until such time as the project is completed. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each project by the Mississippi Department of Archives and History. Reimbursement of reasonable actual and necessary costs for a project shall not exceed three percent (3%) of the proceeds of bonds issued for such project. Monies authorized for a particular project may not be used to reimburse administrative costs for unrelated projects.

(3)(a) The Board of Trustees of the Department of Archives and History shall receive and consider proposals from county governments, municipal governments, school districts and nonprofit organizations that have obtained Section 501(c)(3) tax-exempt status from the United States Internal Revenue Service for projects associated with the preservation, restoration, rehabilitation, repair or interpretation of (i) historic courthouses, (ii) historic school buildings, and/or (iii) other historic properties identified by certified local governments. Proposals shall be submitted in accordance with the provisions of procedures, criteria and standards developed by the board. The board shall determine those projects to be funded and may require matching funds from any applicant seeking assistance under this section. This subsection shall not apply to projects described in subsection (2)(a)(ii), (2)(b), (2)(c), (2)(d), (2)(e), (2)(f), (2)(g), (2)(h) and (2)(j) of this section.

(b) The Board of Trustees of the Department of Archives and History shall receive and consider proposals from county governments for projects associated with historically appropriate restoration, repair and renovation of historically significant county courthouses. Proposals shall be submitted in accordance with the provisions of procedures, criteria and standards developed by the board. The board shall determine those projects to be funded and may require matching funds from any applicant seeking assistance under

this section. This subsection shall not apply to projects described in subsection (2)(a)(i), (2)(b), (2)(c), (2)(d), (2)(e) and (2)(f) of this section.

(4) The Department of Archives and History shall publicize the Community Heritage Preservation Grant Program described in this section on a statewide basis, including the publication of the criteria and standards used by the department in selecting projects for funding. The selection of a project for funding under the provisions of this section shall be made solely upon the deliberate consideration of each proposed project on its merits. The board shall make every effort to award the grants in a manner that will fairly distribute the funds in regard to the geography and cultural diversity of the state. This subsection shall not apply to projects described in subsection (2)(b), (2)(c), (2)(d), (2)(e) and (2)(f) of this section.

(5) With regard to any project awarded funding under this section, any consultant, planner, architect, engineer, exhibit contracting firm, historic preservation specialist or other professional hired by a grant recipient to work on any such project shall be approved by the board before their employment by the grant recipient.

(6) Plans and specifications for all projects initiated under the provisions of this section shall be approved by the board before the awarding of any contracts. The plans and specifications for any work involving "Mississippi Landmark" properties shall be developed in accordance with "The Secretary of the Interior's Standards for the Treatment of Historic Properties."

HISTORY: Laws, 2001, ch. 541, § 21; Laws, 2002, ch. 543, § 17; Laws, 2003, ch. 509, § 17; Laws, 2004, 3rd Ex Sess, ch. 1, § 207; Laws, 2006, ch. 538, § 16; Laws, 2007, ch. 607, § 8; Laws, 2009, ch. 557, § 6; Laws, 2010, ch. 533, § 50; Laws, 2011, ch. 425, § 1; Laws, 2011, ch. 480, § 31; Laws, 2013, ch. 569, § 5; Laws, 2014, ch. 530, § 7; Laws, 2015, ch. 472, § 25; Laws, 2016, ch. 511, § 10, eff from and after July 1, 2016; Laws, 2019, ch. 454, § 18, eff from and after passage (approved April 12, 2019); Laws, 2020, ch. 492, § 24, eff from and after passage (became law without the Governor's signature on July 9, 2020).

Amendment Notes — The 2015 amendment substituted "Thirty-five Million Five Hundred Fifty Thousand Dollars ($35,550,000.00)" for "Thirty-two Million Seven Hundred Thousand Dollars ($32,700,000.00)" at the beginning of (2)(a)(i); substituted "Nine Hundred Seventy-five Thousand Dollars ($975,000.00)" for "Four Hundred Seventy-five Thousand Dollars ($475,000.00)" at the beginning of (2)(e); rewrote (2)(h), which read: "Two Hundred Fifty Thousand Dollars ($250,000.00) shall be allocated and disbursed as grant funds to assist in paying the costs associated with repair, renovation and restoration of Okolona College in Okolona, Mississippi"; added (2)(i) through (k); inserted "and (2)(j)" preceding "of this section" at the end of (3)(a); and made minor stylistic changes throughout.

The 2016 amendment substituted "Thirty-seven Million Four Hundred Fifty Thousand Dollars ($37,450,000.00)" for "Thirty-five Million Five Hundred Fifty Thousand Dollars ($35,550,000.00)" in (2)(a)(i); and added (2)(*l*) and (m), and redesignated former (*l*) as (n).

The 2019 amendment, effective April 12, 2019, in (2), substituted "Forty-one Million Six Hundred Thousand Dollars ($41,600,000.00)" for "Thirty-seven Million Four Hundred Fifty Thousand Dollars ($37,450,000.00)" in (a)(i), "One Million Four Hundred Twenty-five Thousand Dollars ($1,425,000.00)" for "Nine Hundred Seventy-five Thousand Dollars ($975,000.00)" in (e), added (n), and redesignated former (n) as (o).

The 2020 amendment, effective July 9, 2020, in (2), substituted "Forty-six Million

Two Hundred Thousand Dollars ($46,200,000.00)" for "Forty-one Million Six Hundred Thousand Dollars ($41,600,000.00)" in (a)(i), substituted "the historic Strand Theater" for "buildings and related facilities to house the Mississippi Native American Museum" in (l), added (o), and redesignated former (o) as (p).

CHAPTER 11.

MISSISSIPPI ARTS COMMISSION

Sec.
39-11-3. Terms of office and compensation of members; officers.
39-11-13. Building Fund for the Arts.

§ 39-11-3. Terms of office and compensation of members; officers.

Of the members initially appointed to the Mississippi Arts Commission, three shall be appointed for terms of one year, three for terms of two years, three for terms of three years, three for terms of four years and three for terms of five years. Thereafter, terms shall be for five years. The members heretofore appointed to the commission under Executive Order No. 12 are to remain contingent members of the Mississippi Arts Commission until their successors are appointed under this chapter. No member of the commission who serves a full five-year term shall be eligible for reappointment during a one-year period following the expiration of his term. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments. The members of the commission shall not receive any compensation for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties as members of the commission. The commission will annually elect its chairman and other officers.

HISTORY: Codes, 1942, § 6199-22; Laws, 1968, ch. 498, § 2, eff from and after passage (approved June 24, 1968).

§ 39-11-13. Building Fund for the Arts.

(1)(a) A special fund, to be designated as the "Building Fund for the Arts," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. The fund shall consist of any money designated for deposit therein from any source, including, but not limited to, any state general obligation bonds issued for the purposes described in this section. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and investment earnings on amounts in the fund shall be deposited into such fund.

(b) [Repealed].

(c) The entity to which such grants are made shall provide matching funds from local, federal or private sources equal to forty percent (40%) of the proposed project cost in order to be eligible for a grant under this section.

(d) The maximum aggregate amount of monies in the special fund that may be used to provide grant funds to an entity or combination of entities under paragraph (b)(iii) of this subsection shall not exceed One Million Dollars ($1,000,000.00), and no monies in the special fund may be used to provide grant funds under paragraph (b)(iii) of this subsection after July 1, 2003. The maximum aggregate amount of grant funds that may be provided to an entity or combination of entities under paragraph (b)(iii) of this subsection during a fiscal year shall not exceed Five Hundred Thousand Dollars ($500,000.00).

(2)(a) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in subsection (1) of this section. If any monies in the special fund are derived from proceeds of bonds issued under Sections 3 through 18 of Chapter 541, Laws of 2001, as amended by Chapter 540, Laws of 2002, as amended by Chapter 519, Laws of 2003, as amended by Chapter 1, Laws of 2004 Third Extraordinary Session, as amended by Chapter 538, Laws of 2006, as amended by Section 1 of Chapter 607, Laws of 2007, and are not used within four (4) years after the date such bond proceeds are deposited into the special fund, then the Mississippi Arts Commission shall provide an accounting of such unused monies to the State Bond Commission.

(b) [Repealed]

(3) The Mississippi Arts Commission is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this section. The expenditure of money deposited into the special fund shall be under the direction of the Mississippi Arts Commission, and such funds shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration upon request of the Mississippi Arts Commission, which warrants shall be issued upon requisitions signed by the Executive Director of the Mississippi Arts Commission, or his or her designee.

(4) The Mississippi Arts Commission shall adopt necessary rules and regulations to govern the administration of the program described in subsection (1) of this section, including, but not limited to, rules and regulations governing applications for grants and rules and regulations providing for the distribution of grant funds. The Mississippi Arts Commission shall comply with the provisions of the Mississippi Administrative Procedures Law.

HISTORY: Laws, 2001, ch. 541, § 2; Laws, 2002, ch. 540, § 2; Laws, 2003, ch. 519, § 2; 2004, 3rd Ex Sess, ch. 1, § 209; Laws, 2005, ch. 458, § 1; Laws, 2006, ch. 538, § 10; Laws, 2007, ch. 377, § 1; Laws, 2007, ch. 607, § 2; Laws, 2008, ch. 354, § 1; Laws, 2011, ch. 398, § 1; Laws, 2014, ch. 441, § 1, eff from and after July 1, 2014.

Editor's Notes — Former subsection (2)(b), which provided that monies in the special fund that are derived from proceeds of bonds issued after April 9, 2002, may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Arts Commission, was repealed by its own terms, effective July 1, 2018.

CHAPTER 17.

MISSISSIPPI SPORTS HALL OF FAME AND DIZZY DEAN MUSEUM

In General. 39-17-1

IN GENERAL

Sec.

39-17-9. Lease of facility to nonprofit corporation [Repealed effective July 1, 2036].

§ 39-17-9. Lease of facility to nonprofit corporation [Repealed effective July 1, 2036].

(1) The Department of Finance and Administration may lease the Mississippi Sports Hall of Fame and Dizzy Dean Museum for a period not exceeding twenty (20) years to a nonprofit corporation whose primary purpose for incorporation is the support and improvement of the Mississippi Sports Hall of Fame and Dizzy Dean Museum. The lease may be renewed for one (1) period not exceeding twenty (20) years.

(2) The benefit to Mississippi from the operation of such lease or renewal lease shall be considered as sufficient consideration. The lease or renewal lease shall be executed for a nominal fee and it shall be presumed that such lease or renewal lease shall not amount to a donation of state property.

(3) This section shall stand repealed from and after July 1, 2036.

HISTORY: Laws, 1993, ch. 489, § 5; Laws, 2016, ch. 398, § 1, eff from and after passage (approved Apr. 11, 2016).

Amendment Notes — The 2016 amendment designated the former first sentence of the section (1) and the second and third sentences as (2), and added (3); added the last sentence of (1); and inserted "or renewal lease" three times in (2).

CHAPTER 21.

MISSISSIPPI CRAFT CENTER

Sec.

39-21-4. "Mississippi Craft Center" renamed the "William Lowe (Bill) Waller, Sr. Craft Center."

§ 39-21-4. "Mississippi Craft Center" renamed the "William Lowe (Bill) Waller, Sr. Craft Center."

(1) The Mississippi Craft Center established under authority of Section 39-21-3, Mississippi Code of 1972, located within Ridgeland, Madison County, Mississippi, and under the jurisdiction of the Department of Finance and

Administration and leased to The Craftsmen's Guild of Mississippi, Inc., shall be renamed the "William Lowe (Bill) Waller, Sr. Craft Center."

(2) The Department of Finance and Administration shall prepare or have prepared a distinctive plaque to be placed in a prominent place within the William Lowe (Bill) Waller, Sr. Craft Center that states the background, accomplishments and service to the state of the Honorable William Lowe (Bill) Waller, Sr. The Department of Finance and Administration, in conjunction with The Craftsmen's Guild of Mississippi, Inc., shall erect or cause to be erected proper lettering or signage on the outdoor facade of the Craft Center displaying the official name of the building as the "William Lowe (Bill) Waller, Sr. Craft Center." The Department of Finance and Administration may expend all funds necessary to accomplish this act from funds appropriated by the Legislature for such purpose.

HISTORY: Laws, 2018, ch. 375, § 1, eff from and after July 1, 2018.

CHAPTER 25.

MISSISSIPPI ARTS AND ENTERTAINMENT CENTER

Sec.

39-25-1. Establishment of Mississippi Arts and Entertainment Center; purpose of center; duties and objectives of center; Department of Finance and Administration authorized to contract with nonprofit corporation for construction, operation, and administration of center.

§ 39-25-1. Establishment of Mississippi Arts and Entertainment Center; purpose of center; duties and objectives of center; Department of Finance and Administration authorized to contract with nonprofit corporation for construction, operation, and administration of center.

(1) There is established the Mississippi Arts and Entertainment Center ("Center") to be housed in a state-owned facility or facilities located within the corporate limits of Meridian, Mississippi. The purpose of the Center shall be to provide an educational, entertaining and interactive facility to capture the essence of Mississippi's legacy in the arts and celebrate the richness and depth of that legacy and the Mississippians who created it with the world; and to provide family-oriented attractions in the delivery of an educational experience to citizens of, and visitors to, Mississippi.

(2) The Center shall be a state-of-the-art facility which may include, but not be limited to, MAEC exhibits, a state-sanctioned Mississippi Arts and Entertainment Hall of Fame inducting icons in all genres of arts and entertainment, Walk of Fame, auditorium, outdoor performance plaza, and broadcast/recording facility. The Center will provide a vast educational resource for individuals and educators offering unparalleled insight into the lives

and stories of Mississippi arts and entertainment treasures through seminars, workshops and demonstrations by guest professionals and/or amateur artists. The Center may promote, advertise and market its efforts under the name of the Center itself, as "the Mississippi Arts and Entertainment Experience," or in such other manner as calculated to best further the goals and objectives of the Center.

(3) The duties and objectives of the Center shall be:

(a) To stimulate and encourage throughout the state the study and presentation of the performing, visual, and literary arts and public interest and participation therein;

(b) To encourage participation in, appreciation of, and education in the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(c) To take such steps as may be necessary and appropriate to encourage public interest in the cultural heritage of Mississippi and the south to expand the state's cultural resources, and to promote the use of art in state government's activities and facilities; and

(d) To encourage excellence and assist freedom of artistic expression essential for the well-being of the arts.

(4) The Department of Finance and Administration shall have the authority to lease or contract with, for a period not to exceed fifty (50) years, a nonprofit corporation whose primary purpose for incorporation is the support, improvement, administration and operation of the Center as provided for in subsections (1) and (2) of this section. The Department of Finance and Administration may establish the terms of the agreement. The benefit to Mississippi from the operation of this lease or contractual agreement shall be considered a sufficient consideration. The lease or contract shall require the nonprofit corporation to pay for any and all utility costs incurred by the Center and, therefore, the construction of the Center shall not be subject to the energy performance requirements for major facility projects contained in Section 31-11-35. The nonprofit corporation is authorized to hold public hearings, to enter into contracts within the limit of funds available therefor, with individuals, organizations and institutions for services furthering the objectives of the Center's programs; to enter into contracts, within the limit of funds available therefor, with local and regional associations for cooperative endeavors furthering the objectives of the Center's programs; to make and sign any agreements and to do and perform any acts that may be necessary to carry out the purposes of this section.

(5) The Department of Finance and Administration may enter into any agreement with a nonprofit corporation necessary for the construction, operation and administration of the Center and may establish the terms of the agreement. For the construction, operation and administration of the Center, such nonprofit corporation may receive and expend any funds made available in any manner by public or private sources and may receive contributions and donations of land or other property and other forms of financial assistance and property, equipment, materials or manpower from persons, foundations, trust

funds, corporations, organizations, and other public or private sources to be expended and used in carrying out the mission of the Center. Any real property purchased or received by donation for the Center shall be titled in the name of the State of Mississippi for the benefit and use of the Department of Finance and Administration.

(6) For any lease or contractual arrangement to which the Department of Finance and Administration and a nonprofit corporation are a party to as provided in subsection (5), the nonprofit corporation shall, along with the possessory and leasehold interests and/or real and personal property of the corporation, be exempt from all ad valorem taxation, including, but not limited to, school, city and county ad valorem taxes, for the term or period of time stated in the lease or contractual arrangement.

HISTORY: Laws, 2001, ch. 508, § 1; Laws, 2013, ch. 460, § 1; Laws, 2017, ch. 361, § 1, eff from and after passage (approved Mar. 20, 2017).

Joint Legislative Committee Note — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected an error in the second sentence of subsection (2) by substituting "The Center will provide" for "The Center will prove." The Joint Committee ratified the correction at the August 14, 2018, meeting of the Committee.

Amendment Notes — The 2017 amendment, effective March 20, 2017, inserted "state-owned" in the first sentence of (1); added the last sentence of (2); in (4), added the first four sentences, and substituted "nonprofit corporation" for "center" near the beginning of the fifth sentence; in (5), added "and may establish the terms of the agreement" at the end of the first sentence and added the last sentence; and added (6).

CHAPTER 31.

MISSISSIPPI BICENTENNIAL CELEBRATION COMMISSION [REPEALED]

Sec.
39-31-1. Repealed.

§ 39-31-1. Repealed.

Repealed by Laws, 2018, ch. 395, § 2, eff from and after July 1, 2018.

§ 39-31-1. [Laws, 2009, ch. 418, § 1, eff from and after July 1, 2009.]

Editor's Notes — Former 39-31-1 created the Mississippi Bicentennial Celebration Commission, provided its composition, organization, compensation, funding and expenditures, and created the Mississippi Bicentennial Celebration Fund.

CHAPTER 32.

MISSISSIPPI COUNTRY AND WESTERN MUSIC COMMISSION

Sec.
39-32-1. Mississippi Country and Western Music Commission created; commission powers, functions and composition; report; disposition of funds received by commission.

§ 39-32-1. Mississippi Country and Western Music Commission created; commission powers, functions and composition; report; disposition of funds received by commission.

(1) There is hereby created the Mississippi Country and Western Music Commission, hereinafter referred to as the "commission." The commission may accept and expend grants and private donations from any source, including federal, state, public and private entities, to assist it to carry out its functions.

(2) For purposes of this chapter, the term "country and western music" shall mean country and western, blue grass and related music genre and the culture that created it.

(3) The powers, functions and duties of the commission shall include, but not be limited to, the following:

(a) To study, deliberate and report to the Governor and the Legislature on or before January 1, 2012, on the best method to market and foster an appreciation of country and western music, to include tourism, academic study and country and western music archives, country and western music historical preservation, country and western music cultural education and the support of performing artists. Such marketing plan shall be designed to attract tourists, conferences, music performances, filmmakers and others for the purpose of economic development of all geographic areas of the state through the promotion of country and western music and the heritage and culture that produced such, and to analyze the tourism potential of the country and western music for Mississippi.

(b) To make an inventory of country and western music "assets" that make up country and western music and its culture that could be developed into a program for domestic and international tourism, and opportunities for investment.

(c) Coordination with the Division of Tourism of the Mississippi Development Authority, the Department of Archives and History, the Mississippi Department of Transportation, the Mississippi Educational Television Authority, the state institutions of higher learning, the Center for the Study of Southern Culture at the University of Mississippi, the Mississippi Arts Commission, and similar organizations to share resources and information in order to ensure a comprehensive approach to marketing the country and western music culture in Mississippi.

(d) To make recommendations regarding the establishment of, and budgeting for, a permanent Mississippi office of country and western music as an agency of state government with an executive director and appropriate staff to carry out the marketing plan developed by the commission. To the extent practical, any office shall be located at an existing public or private location which is appropriate to the country and western music culture in Mississippi, with minimal cost to the state.

(e) Coordination of the country and western music marketing plan with any existing state historic preservation programs, in order to:

(i) Identify and preserve country and western music historic properties;

(ii) Determine the eligibility of such properties for listing on the National Register;

(iii) Prepare nominations of such sites for inclusion on the National Register;

(iv) Maintenance of country and western music historical and archaeological data bases; and

(v) Evaluation of such sites for eligibility for state and federal preservation incentives.

(f) To implement and continue the development and creation of the Mississippi Country Music Trail as outlined in Section 39-33-1, provide oversight of the trail and its infrastructure, and explore funding opportunities to support continued implementation.

(4) The commission shall be composed of the following members:

(a) The Director of the Division of Tourism of the Mississippi Development Authority;

(b) The Executive Director of the Mississippi Department of Archives and History, or his designee;

(c) The Executive Director of the Mississippi Arts Commission, or his designee;

(d) The Executive Director of the Mississippi Educational Television Authority, or his designee;

(e) The Chairman of the Board of the Southern Arts and Entertainment Center, or his designee;

(f) The Director of the Center for the Study of Southern Culture at the University of Mississippi;

(g) The State Director of the USDA Rural Development Agency;

(h) Two (2) members of the Mississippi Senate designated by the Lieutenant Governor, who shall serve on a nonvoting basis;

(i) Two (2) members of the Mississippi House of Representatives designated by the Speaker of the House, who shall serve on a nonvoting basis;

(j) Two (2) members appointed by the Governor, who shall have experience in cultural affairs or tourism development in East Central Mississippi; and

(k) Four (4) members appointed by the Governor from the state at large, who shall have demonstrated a commitment to the understanding and promotion of country and western music.

(5) The Governor shall designate one (1) commission member to serve as chairman for a term concurrent with that of the Governor. The commission shall meet upon the call of the chairman not later than July 1, 2011, and shall organize for business by adopting internal organizational procedures necessary for efficient operation of the commission, including officers, quorum requirements and policies for any commission staff. Each member of the commission shall designate necessary staff of their departments to provide administrative support to assist the commission in performing its duties and responsibilities. The commission shall meet and conduct business at least quarterly. Meetings of the commission shall be open to the public and opportunity for public comment shall be made available.

(6) Members of the commission shall receive no compensation for their services.

(7) The commission shall submit a report, including any proposed legislation, to the Governor and to the Legislature before the convening of the 2012 Regular Session. The report shall include a comprehensive state plan for marketing country and western music history as specifically provided above.

(8) All departments, boards, agencies, officers and institutions of the state and all subdivisions thereof shall cooperate with the commission in carrying out its purposes under this chapter.

(9) Any funds or donations received by the commission shall be deposited into a special fund which is hereby created in the State Treasury, and disbursement therefrom shall be made upon warrants by the Department of Finance and Administration after receipt of requisitions submitted by the appropriate person designated by the commission. Monies in the special fund may be used by the commission in carrying out its responsibilities under this chapter.

HISTORY: Laws, 2011, ch. 495, § 1; reenacted without change, Laws, 2015, ch. 350, § 1, eff from and after July 1, 2015.

Editor's Notes — Section 2, Chapter 495, Laws of 2011 repealed this section effective July 1, 2015. Section 2, Chapter 350, Laws of 2015 deleted the language providing for the repeal of the section.

Amendment Notes — The 2015 amendment reenacted the section without change.

CHAPTER 35.

MISSISSIPPI SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION

Sec.

39-35-1. Sesquicentennial of the American Civil War Commission created; composition; terms of office; executive committee; advisory council; quorum; compensation; staff; funding; powers and duties.

§ 39-35-1. Sesquicentennial of the American Civil War Commission created; composition; terms of office; executive committee; advisory council; quorum; compensation; staff; funding; powers and duties.

(1) The Mississippi Sesquicentennial of the American Civil War Commission (commission) is hereby established to prepare for and commemorate the Sesquicentennial, or One Hundred and Fiftieth anniversary, of Mississippi's participation in the American Civil War (April 1861-April 1865).

(2) The commission shall have a total membership of fifteen (15) members, or their designees, as follows: (a) the Executive Director of the Mississippi Development Authority; (b) the Executive Director of the Mississippi Department of Archives and History; (c) the State Superintendent of Public Education, or his designee; (d) the Manager of the Bureau of Film and Culture of the Mississippi Development Authority, Division of Tourism; (e) the President/Chairman of the Mississippi Historical Society; (f) the Chairman of the Mississippi Civil War Battlefield Commission; (g) the Director of the Brice's Crossroads Battlefield Commission; (h) the Director of the Vicksburg National Military Park; (i) the Director of the Battle of Shiloh-Battle of Corinth National Military Park; (j) the Director of the Grand Gulf Military Monument; (k) a representative of the Mississippi Tourism Association; (l) the National Park Service Administrator of Ship Island/Fort Massachusetts; (m) a citizen of Mississippi appointed by the Governor; (n) a member of the Mississippi Senate appointed by the Lieutenant Governor who shall serve in an ex officio nonvoting capacity; and (o) a member of the Mississippi House of Representatives appointed by the Speaker who shall serve in an ex officio nonvoting capacity.

(3) Ex officio members and legislative members of the commission shall serve terms coincident with their terms of office. Citizen members shall serve a term of four (4) years. Appointments to fill vacancies occurring for a reason other than the expiration of a term shall be for the remainder of the unexpired terms. Vacancies shall be filled in the same manner as the original appointments, and all members may be reappointed.

(4) The commission shall elect a chairman and vice chairman from among its membership. The commission may name five (5) of its members to constitute an executive committee, which shall act for the commission pursuant to its direction.

(5) The commission may appoint and establish an advisory council composed of citizens at large who have knowledge of American Civil War and Mississippi history and interest in its Sesquicentennial celebration, to assist the commission in its work.

(6) A majority of the members of the commission shall constitute a quorum. The meetings of the commission shall be held at the call of the chairman or whenever a majority of the members so request. No recommendation of the commission shall be adopted except by majority vote of the commission.

(7) Nonlegislative members of the commission shall receive no compensation for their services but may receive expense reimbursement and mileage for all reasonable and necessary expenses incurred in the performance of their duties as provided by law. Legislative members of the commission shall receive compensation applicable to committee meetings when the Legislature is not in session.

(8) The commission shall hire an executive director, and relevant support staff, to guide and support the actions of the commission. Employment shall not extend beyond the date of expiration of the commission and shall be subject to an annual review by the executive committee of the commission.

(9) The commission may solicit, accept, use and dispose of public or nonpublic funds, gifts, grants, donations, bequests or other funds or real or personal property for the purpose of aiding or facilitating the work of the commission. The commission may procure services, enter into contracts, leases or other legal agreements as it may deem necessary to carry out its duties as set forth in this section, but no contract or other legal agreement shall be entered into by the commission that extends beyond the date of expiration of the commission.

(10) The commission shall have the following powers and duties:

(a) Plan, develop and carry out educational, informational, new media/web-based programs and activities appropriate to commemorate the Sesquicentennial of the American Civil War, with emphasis on the military operations which occurred in the State of Mississippi;

(b) Encourage interdisciplinary examination of the American Civil War;

(c) Facilitate activities related to the American Civil War throughout Mississippi;

(d) Encourage civic, historical, educational, economic and other organizations throughout Mississippi to organize and participate in activities to expand the understanding and appreciation of the significance of the American Civil War;

(e) Provide technical and financial assistance to localities and nonprofit organizations to further the commemoration of the Sesquicentennial of the American Civil War;

(f) Develop programs and facilities to ensure that the Sesquicentennial commemoration of the American Civil War results in a positive legacy and long-term public benefit;

(g) Facilitate the development and conduct of programs designed to involve all citizens in activities that commemorate the American Civil War; and

(h) Submit to the Legislature and the Governor an annual report for publication of the work and activity of the commission no later than the first day of each regular session of the Legislature.

(11) The commission shall direct the Mississippi Department of Archives and History to enhance and expand Civil War markers across the state, along with all relevant educational and informational documentation necessary for the creation of a Civil War Trail, in advance of the initial celebration of the Sesquicentennial in Mississippi.

(12) All state agencies and universities shall provide technical assistance to the commission upon request.

HISTORY: Laws, 2009, ch. 507, § 4; Laws, 2015, ch. 335, § 1, eff from and after July 1, 2015.

Joint Legislative Committee Note — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected an error in the second sentence of subsection (9) by substituting "set forth in this section" for "set forth in this act." The Joint Committee ratified the correction at its August 5, 2016, meeting.

Amendment Notes — The 2015 amendment inserted "or One Hundred and Fiftieth anniversary" near the end of (1); in the third sentence of (3), inserted "occurring for a reason" and "remainder of the"; deleted former (13), which read: "This section shall stand repealed on July 1, 2015"; and made minor stylistic changes.